



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 21, 1998

Ms. Cheryl N. Elliott
General Counsel
Texas Southern University
3100 Cleburne Avenue
Houston, Texas 77004

OR98-1993

Dear Ms. Elliott:

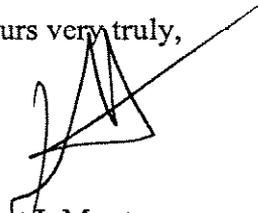
You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 117473.

Texas Southern University (the "university") received a request for various documents regarding the "trips made by Dr. Cary Wintz to Egypt and Ghana between 1990 and May 1, 1998" as well as "all communications, e-mail, memos, and other documents or information from any Texas Southern University official serving in any capacity regarding the involvement of Regent Anthony Lyons in the 'con-real situation.'" You claim that the requested information is excepted from disclosure under section 552.102 of the Government Code. However, pursuant to section 552.303(c) of the Government Code you were notified in correspondence from this office dated August 6, 1998, that you failed to submit a copy of the specific information in compliance with the requirements of Government Code section 552.301(b). You were allowed seven days from the date of the notification to provide this office with the requested information. Gov't Code § 552.303(d). Your failure to comply with these requirements results in the legal presumption that any information subject to the open records request and that was in any way related to or included in the notification is now presumed to be public information. *Id.* § 552.303(e). This presumption of openness can only be overcome by a compelling demonstration that the information should not be made public. *See, e.g.*, Open Records Decision No. 150 (1977) (presumption of openness overcome by a showing that the information is made confidential by another source of law or affects third party interests). Absent the compelling demonstration, the requested information must be released.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue

under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to be "Janet I. Monteros", written over a diagonal line that extends from the top right towards the center.

Janet I. Monteros
Assistant Attorney General
Open Records Division

JIM/nc

Ref.: ID# 117473

Enclosures: Submitted documents

cc: Mr. Robert H. Jackson
Texas Faculty Association
1415 Southmore
Houston, Texas 77004
(w/o enclosures)