



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 2, 1998

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

OR98-2110

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# 117693.

Texas Southern University (the "university") received an open records request for 1) the "teaching budget" for the first summer session of 1998 for the history, geography, and economics departments and 2) all requests for leaves of absence by all history faculty members for the week of June 1-5, 1998. In your request for an open records decision, you argued that the requested information was excepted from required public disclosure pursuant to common-law privacy. You did not, however, submit to our office at that time copies of the records at issue. See Gov't Code § 552.301(b).

Pursuant to section 552.303(c) of the Government Code, on July 1, 1998, our office notified you by letter sent via facsimile that you had failed to submit information required by section 552.301(b). We requested that you provide this information to our office within seven days from the date of receiving the notice. The notice further stated that under section 552.303(e), *id.*, failure to comply would result in the legal presumption that the requested information is public information.

You did not provide our office with the information requested in our July 1, 1998 notice to you. We therefore have no basis for concluding that any of the information at issue is protected by common-law privacy. Consequently, absent a demonstration that a compelling interest exists for withholding the information, we conclude that the university must release the requested records in their entirety. See *Hancock v. State Bd. of Ins.*, 797 S.W.2d 379, 381-82 (Tex. App.--Austin 1990, no writ) (governmental body must make compelling demonstration to overcome presumption of openness pursuant to statutory predecessor to Government Code section 552.302); Open Records Decision No. 319 (1982).

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 upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/RWP/mjc

Ref: ID# 117693

cc: Mr. Robert Jackson
1415 Southmore
Houston, Texas 77004