



February 19, 1999

Mr. Rusty Renfroe, CLA
City Attorney's Office
City of Longview
P.O. Box 1952
Longview, Texas 75606-1952

OR99-0506

Dear Mr. Renfroe:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code, the Open Records Act. Your request was assigned ID# 123775.

The City of Longview (the "city") received a request for the billing statements from nine law firms for the 1997-98 fiscal year. You seek to withhold portions of the requested information under section 552.103.

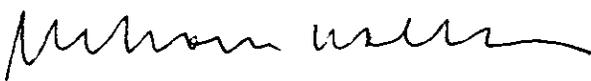
The Open Records Act imposes a duty on governmental bodies seeking an open records decision pursuant to section 552.301 to submit that request to the attorney general and to "state the exceptions that apply" within ten business days after the governmental body's receipt of the request for information. The time limitation found in section 552.301 is an express legislative recognition of the importance of having public information produced in a timely fashion. *Hancock v. State Bd. of Ins.*, 797 S.W.2d 379, 381 (Tex. App.--Austin 1990, no writ). When a proper request for an open records decision is not made within the time period prescribed by section 552.301, the requested information is presumed to be public. See Gov't Code § 552.302. 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).¹

¹Generally, sections 552.103, 552.107(1), 552.108, and 552.111 do not provide a compelling demonstration to overcome the presumption of openness. See Open Records Decision Nos. 630 (1994), 586 (1991), 551 (1990), 473 (1987), 470 (1987).

The requestor's letter is date-stamped to indicate that the city received the request for information on January 25, 1999. You did not advise us within ten business days of the exceptions to disclosure under which you seek to withhold the requested information. Consequently, you have not met your statutory burden. Gov't Code §552.301. The requested information is therefore presumed public. Unless you can demonstrate that the requested information is made confidential by law or affects third party interests, you must release the requested information.

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 questions about this ruling, please contact our office.

Sincerely,



William Walker
Assistant Attorney General
Open Records Division

WMW/ch

Ref: ID# 123775

Enclosures: Submitted documents

cc: Ms. Jo Lee Hammer, Staff Writer
Longview News-Journal
P.O. Box 1792
Longview, Texas 75606
(w/o enclosures)