



April 19, 1999

Mr. Jon G. Burt
Attorney at Law
P.O. Drawer 270
Kaufman, Texas 75142

OR99-1045

Dear Mr. Burt:

You ask whether certain information is subject to required public disclosure under the Texas Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 125080.

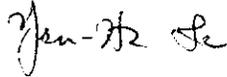
The Kaufman County Levee Improvement District No. 1 (the "district"), which you represent, received a request for information concerning damage to the district's levees. We do not understand you to raise any exceptions to disclosure of the requested information.

Section 552.301 of the act requires that a governmental body seeking to withhold information in response to a request for information ask for a decision from the attorney general and state the claimed exceptions to disclosure within ten business days of receiving the request. If the governmental body does not request an attorney general decision as provided by section 552.301, the information is presumed public. Gov't Code § 552.302. This presumption can be overcome only 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). Since you have not stated any exceptions to disclosure under which you seek to withhold the requested information, you must release it to the requestor unless you can demonstrate to this office that the information is made confidential by law or affects third party interests.

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.

Sincerely,

A handwritten signature in black ink, appearing to read "Yen-Ha Le". The signature is written in a cursive, slightly slanted style.

Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/nc

Ref.: ID# 120580

cc: Mr. Charles R. Anderson
Acting City Attorney
Office of the City Attorney
City of Irving
P.O. Box 152288
Irving, Texas 75060