



September 20, 1999

Mr. Armando Perez
Temple Housing Authority
P.O. Box 634
Temple, Texas 76503

OR99-2628

Dear Mr. Perez:

You ask whether certain information is subject to required public disclosure under the Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 128828.

The Temple Housing Authority ("THA") received a request for information from an applicant who was denied housing due to unfavorable references. You state that the individual who supplied the information requested anonymity and confidentiality of the comments made. You assert that THA desires to honor the reference's request by withholding the whole Investigative Worksheet. In the alternative, THA wishes to disclose the Investigative Worksheet with the reference's name redacted. We have reviewed your claim and considered the document you submitted.

First, you did not state an exception that would apply to the requested information. Section 552.301 of the Government Code provides in part that:

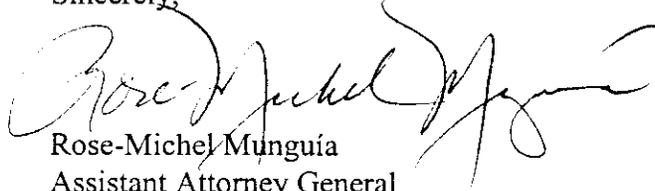
- (a) A governmental body that receives a written request for information that it wishes to withhold from public disclosure and that it considers to be within one of the [act's] exceptions . . . must ask for a decision from the attorney general about whether the information is within that exception if there has not been a previous determination about whether the information falls within one of the exceptions.
- (b) The governmental body must ask for the attorney general's decision *and state the exceptions that apply* within a reasonable time but not later than the 10th business day after the date of receiving the request. [emphasis added.]

In addition, the mere expectation of confidentiality by the individual supplying the information is not enough to satisfy the requirement of section 552.101 of the Government Code. Open Records Decision No. 203 at 1(1978). Section 552.101 excepts from disclosure information considered to be confidential by law, either constitutional, statutory, or by judicial decision.

As you did not claim an exception applicable to the requested information nor is the information confidential by law, we conclude that the information must be released to the requestor.

We are resolving this matter with this 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 may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



Rose-Michel Munguía
Assistant Attorney General
Open Records Division

RMM/nc

Ref.: ID# 128828

Encl. Submitted documents

cc: Mr. Lewis West
1901 51st, C104-47
Temple, Texas 76504
(w/o enclosures)