



October 6, 1999

Mr. Mario M. Lewis
1220 Montana Avenue
El Paso, Texas 79902

OR99-2836

Dear Mr. Lewis:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 129187.

The Region 19 Education Services Center (“ESC”), which you represent, received a request for various records concerning ESC’s budget and financial information. You have released most of the requested information. However, you claim that portions of the requested information are excepted from disclosure under sections 552.101 and 552.102 of the Government Code.

Section 552.301(e)(1)(D) of the Government Code requires that a governmental body seeking an attorney general decision as to whether it may withhold requested information submit to this office copies of the requested information or representative samples thereof no later than the fifteenth business day after it received the request. Section 552.302 provides that if a governmental body fails to timely submit the materials required by section 552.301, the requested information must be released unless there is a compelling reason to withhold the information.

Your letter requesting an attorney general decision does not indicate the date that ESC received the request for information. However, based on the date stamp that appears on the request letter, it seems that ESC’s executive director received the letter on August 27, 1999. Allowing for the Labor Day Holiday, the fifteenth business day after the date ESC apparently received the request was September 20, 1999. To date, you have not submitted to this office the information required by section 552.301(e)(1)(D). Accordingly, you must release the information unless you can show a compelling reason for withholding it. *See, e.g., Open*

Records Decision No. 150 (1977) (compelling reason for withholding may be shown by demonstration that information is made confidential by another source of 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,



E. Joanna Fitzgerald
Assistant Attorney General
Open Records Division

EJF\nc

Ref: ID# 129187

cc: Ms. Emily Jauregui Alcantar
11948 Pasco Real
El Paso, Texas 79936