OFFICE OF THE ATTORNEY GENERAL · STATE OF TEXAS
JOHN CORNYN

May 19, 2000

Mr. J. Greg Hudson
Bickerstaff, Heath, Smiley, Pollan, Kever & McDaniel, L. L. P.
1700 Frost Bank Plaza
816 Congress Avenue
Austin, Texas 78701-2443

OR2000-2003

Dear Mr. Hudson:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 136949.

Collin County, which you represent, received a request for a copy of the Daily Report of Funds Collected by the County Court pursuant to section 51.702(b) of the Government Code created or filed since September 1, 1992, and the names and addresses of persons who paid such fee, and the court cost collected on each criminal conviction in a statutory county court. You have submitted documentation that shows that the requestor has withdrawn the request for the names and addresses of persons who paid fees pursuant to section 51.702(b) of the Government Code. You seek to withhold the remaining requested information under section 552.103(a) of the Government Code. We have considered the exception you claim and reviewed the submitted representative sample of information.[1]

[1]In reaching our conclusion here, we assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

In our opinion, the requested information is made public by section 552.022(a)(3), which requires release of "information in an account, voucher, or contract relating to the receipt or expenditure of public or other funds by a governmental body" unless the information is made confidential by other law. Your claimed exception, section 552.103(a), the "litigation" exception does not make information confidential for purposes of section 552.022. Open Records Decision No. 473 (1987). Further, we are unaware of any other law under which the information at issue is confidential. Accordingly, you must release the requested information.

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

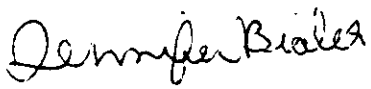
This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.–Austin 1992, no writ).

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,



Jennifer Bialek
Assistant Attorney General
Open Records Division

JHB/nc

Ref: ID# 136949

Encl. Submitted documents

cc: Joe K. Crews
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Austin, Texas 78759-8860
(w/o enclosures)