



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

January 20, 2017

Ms. Debbie Eldredge
Executive Director
City of Sherman Housing Authority
P.O. Box 2147
Sherman, Texas 75091-2147

OR2017-01347

Dear Ms. Eldredge:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 642407.

The Sherman Housing Authority (the "authority") received a request for copies of the authority's policies and specified audio recordings. You state the authority has released some information to the requestor. We have considered your arguments and reviewed the submitted information.

We must address the authority's obligations under the Act. Section 552.301 of the Government Code prescribes the procedures a governmental body must follow in asking this office to decide whether requested information is excepted from public disclosure. Pursuant to section 552.301(e), a governmental body is required to submit to this office within fifteen business days of receiving an open records request (1) written comments stating the reasons why the claimed exceptions apply that would allow the information to be withheld, (2) a copy of the written request for information, (3) a signed statement or sufficient evidence showing the date the governmental body received the written request, and (4) a copy of the specific information requested or representative samples, labeled to indicate which exceptions apply to which parts of the documents. Gov't Code § 552.301(e)(1)(A)-(D). The authority received the request for information on November 4, 2016. Accordingly, the authority's fifteen-business-day deadline was November 30, 2016.¹ However, as of the date

¹We note this office does not count the date the request was received or holidays for the purpose of calculating a governmental body's deadlines under the Act.

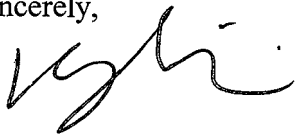
of this letter, you have not submitted a copy or representative sample of the information requested, nor have you submitted arguments as to why any exceptions to disclosure apply. Consequently, we find the authority failed to comply with the requirements of section 552.301(e) in requesting this decision from our office.

Pursuant to section 552.302 of the Government Code, a governmental body's failure to submit to this office the information required in section 552.301(e) results in the legal presumption the requested information is public and must be released. Information that is presumed public must be released unless a governmental body demonstrates a compelling reason to withhold the information to overcome this presumption. *See id.* § 552.302; *Simmons v. Kuzmich*, 166 S.W.3d 342, 350 (Tex. App.—Fort Worth 2005, no pet.); *Hancock v. State Bd. of Ins.*, 797 S.W.2d 379, 381 (Tex. App.—Austin 1990, no writ); *see also* Open Records Decision No. 630 (1994). Generally, a governmental body may demonstrate a compelling reason to withhold information by showing the information is made confidential by another source of law or affects third party interests. *See* ORD 630. Because you have not submitted a copy or representative sample of the information requested or any arguments that provide a compelling reason for non-disclosure of information under section 552.302, we have no basis for concluding that the requested information is excepted from disclosure or confidential by law. Thus, we have no choice but to order the requested information released pursuant to section 552.302 of the Government Code.

This letter ruling is limited to the particular information 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 information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Kieran Hillis
Assistant Attorney General
Open Records Division

KH/sb

Ref: ID# 642407

c: Requestor