



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

June 27, 2017

Mr. Tony Resendez
Counsel for the La Vernia Independent School District
Walsh, Gallegos, Treviño, Russo & Kyle P.C.
P.O. Box 460606
San Antonio, Texas 78246

OR2017-14347

Dear Mr. Resendez:

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# 663364.

The La Vernia Independent School District (the "district"), which you represent, received a request for (1) the names of the football and baseball coaching staffs and rosters for the district during specified years, and (2) the name of the athletic director for each school in the district during a specified time period. The district claims the requested information is excepted from disclosure under sections 552.101 through 552.154 of the Government Code. We have also received comments from the requestor. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released). We have considered the submitted arguments and reviewed the submitted information.

Initially, we must address the district's obligations under section 552.301 of the Government Code, which prescribes the procedures a governmental body must follow in asking this office to decide whether requested information is excepted from public disclosure. *See id.* § 552.301. Pursuant to section 552.301(b), a governmental body must ask for a decision from this office and state the exceptions that apply within ten business days of receiving the written request. *See id.* § 552.301(b). Further, pursuant to section 552.301(e), a governmental body must submit to this office within fifteen business days of receiving an

open records request (1) written comments stating the reasons why the stated 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. *See id.* § 552.301(e). The district states it received the request for information on April 3, 2017. We understand the district was closed for business on April 14, 2017. This office does not count the date the request was received or holidays for purposes of calculating a governmental body's deadlines under the Act. Accordingly, the district was required to provide the information required by section 552.301(b) by April 18, 2017. Moreover, the district was required to provide the information required by section 552.301(e) by April 25, 2017. The district timely provided this office with the information required by section 552.301(b), and raised sections 552.101 through 552.154 of the Government Code as exceptions to disclosure. However, as of the date of this letter, the district has not provided this office with comments stating the reasons why any of the stated exceptions apply to the submitted information.¹ Accordingly, we conclude the district failed to comply with the procedural requirements mandated by section 552.301(e) of the Government Code.

Pursuant to section 552.302 of the Government Code, a governmental body's failure to comply with the procedural requirements of section 552.301 results in the legal presumption that the requested information is public and must be released unless there is a compelling reason to withhold the information from disclosure. *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). As previously noted, although the district raised exceptions to disclosure in its initial letter to this office, the district submitted no arguments in support of any of the raised exceptions. Further, upon review of the submitted information, we find no information made confidential by law. Thus, we have no choice but to order the requested information released pursuant to section 552.302. If you believe the information may not lawfully be released, you must challenge this ruling in court pursuant to section 552.324 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

¹We note the brief the district submitted to this office did not pertain to the instant request.

providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Rahat Huq
Assistant Attorney General
Open Records Division

RSH/tdw

Ref: ID# 663364

Enc. Submitted documents

c: Requestor
(w/o enclosures)