



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

January 8, 2018

Mr. Francisco J. Garza  
Counsel for Agua Special Utility District  
2028 East Griffin Parkway  
Mission, Texas 78572

OR2018-00526

Dear Mr. Garza:

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# 690459.

The Agua Special Utility District (the "district"), which you represent, received two requests for the July 2017 and August 2017 financials and disbursements. Although you take no position as to whether the submitted information is excepted under the Act, you state release of the submitted information may implicate the interests of named individuals.<sup>1</sup> *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released). We have reviewed the submitted information. We have also received and considered comments from one of the requestors. *See id.* As of the date of this letter, we have not received any comments from the named individuals explaining why any portion of the submitted information should not be released to the requestors. As no exceptions to disclosure have been raised, the district must release the submitted information.

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<sup>1</sup>We note the district did not comply with section 552.301 of the Government Code in requesting this decision. *See* Gov't Code § 552.301 (b), (e). Nevertheless, because the interest of a third party can provide a compelling reason to overcome the presumption of openness, we will consider third-party interests for the submitted information. *See id.* §§ 552.007, .302, .352. Further, although you raise sections 552.101 through 552.156 of the Government Code, you make no arguments to support these exceptions. Therefore, we assume you have withdrawn your claim these sections apply to the information at issue. *See id.* §§ 552.301, .302.

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](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,

A handwritten signature in black ink, appearing to read 'Jahanna Ward', with a stylized flourish at the end.

Jahanna Ward  
Assistant Attorney General  
Open Records Division

JW/tdw

Ref: ID# 690459

c: 2 Requestors

Third Party