



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

May 8, 2019

Ms. Elisabeth Nelson  
Counsel for Carrollton-Farmers Branch Independent School District  
Walsh Gallegos Trevino Russa & Kyle P.C.  
P.O. Box 168046  
Irving, Texas 75016

OR2019-12250

Dear Ms. Nelson:

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# 770422.

The Carrollton-Farmers Branch Independent School District (the "district") received a request for the bid tabulation for exterior improvements to Newman Smith High School. You claim the submitted information is excepted from disclosure under section 552.104 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially, we must address the district's procedural obligations under section 552.301 of the Government Code when requesting a decision from this office under the Act. Pursuant to section 552.301(b), a governmental body must ask for a decision from this office and state the exceptions that apply not later than the tenth business day after the date of receiving the written request. *See* Gov't Code § 552.301(b). You state the district received the request for information on February 28, 2019. You inform us the district was closed from March 11 to March 15. Thus, the district's ten-business-day deadline to request a ruling was March 21, 2019. However, the envelope in which the district sent its request for a ruling is post-marked March 28, 2019. *See id.* §552.308 (describing rules for calculating submission dates of documents sent via first class United States mail, common or contract carrier, or interagency mail). Consequently, the district failed to comply with the requirements of section 552.301(b) 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). The district claims section 552.104 of the Government Code for the submitted information. We find the district has failed to establish a compelling reason to address section 552.104 of the Government Code. As it raises no other exceptions to disclosure, the district must release the submitted information.

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,



Jesse Harvey  
Assistant Attorney General  
Open Records Division

JH/be

Ref: ID# 770422

Enc. Submitted documents

c: Requestor  
(w/o enclosures)