



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

December 18, 2020

Mr. Neil Bonavita
Office of Legal Services
Fort Worth Independent School District
100 North University Drive, Suite SE 224
Fort Worth, Texas 76107

OR2020-31831

Dear Mr. Bonavita:

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# 859879.

The Fort Worth Independent School District (the "district") received a request for information related to the sale of a specified property. The district claims the submitted information is excepted from disclosure under section 552.105 of the Government Code. We have considered the exception the district claims and reviewed the submitted information.

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* Gov't Code § 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 requestor submitted the request for information on May 18, 2020. The district informs us it was closed between May 15, 2020, and August 31, 2020. Thus, the district received the request on September 1, 2020. The

district informs us it was also closed on September 7, 2020. The district does not inform us it was closed for any additional business days between September 1, 2020, and September 23, 2020. Accordingly, the district was required to provide the information required by section 552.301(b) by September 16, 2020. Moreover, the district was required to provide the information required by section 552.301(e) by September 23, 2020. However, the envelope in which the district provided the information required by sections 552.301(b) and 552.301(e) was postmarked October 13, 2020. *See id.* § 552.308(a)(1) (describing rules for calculating submission dates of documents sent via first class United States mail, common or contract carrier, or interagency mail). Accordingly, we conclude the district failed to comply with the procedural requirements mandated by section 552.301 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 (Tex. App.—Fort Worth 2005, no pet.); *Hancock v. State Bd. of Ins.*, 797 S.W.2d 379, 381-82 (Tex. App.—Austin 1990, no writ). Upon review, we find the district has failed to establish a compelling reason to address its claimed exception. Accordingly, 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 <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,

Claire V. Morris Sloan
Assistant Attorney General
Open Records Division

CVMS/mo

Ref: ID# 859879

Enc. Submitted documents

c: Requestor
(w/o enclosures)