



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

April 19, 2022

Mr. Daniel Ray  
Counsel for the Hunt County  
Scott, Ray, Pemberton & Goll P.L.L.C.  
P.O. Box 1353  
Greenville, Texas 75403

OR2022-11361

Dear Mr. Ray:

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# 942427.

Hunt County (the "county"), which you represent, received a request for certain photographs pertaining to a specified incident. You claim the submitted information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially, we note the requestor seeks only photographs. The information we have marked is not responsive to the instant request for information because it does not consist of the specific information requested. This ruling does not address the public availability of any information that is not responsive to the request, and the county is not required to release such information in response to this request.<sup>1</sup>

Next, we must address the county's procedural obligations under the Act. Section 552.301 of the Government Code describes the procedural obligations placed on a governmental body that receives a written request for information it wishes to withhold. Pursuant to section 552.301(b), the governmental body must ask for the attorney general's decision and state the exceptions that apply within ten business days after receiving the request. *See* Gov't Code § 552.301(a), (b). In this instance, you state, and submit documentation demonstrating, the county received the request for information on January 25, 2022.

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<sup>1</sup> As we are able to make this determination, we need not address your argument against disclosure of this information.

Because you do not inform this office the county was closed for business any of the days at issue, we find the county's ten-business-day deadline was February 8, 2022. However, you did not request a ruling from this office until February 9, 2022. *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, we find the county failed to comply with the requirements of section 552.301 in requesting this decision from our office.

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). You claim section 552.108 of the Government Code for the responsive information. However, we find you have failed to establish a compelling reason to address section 552.108. Therefore, the county may not withhold any portion of the responsive information under section 552.108 of the Government Code. As no further exceptions to disclosure have been raised, the county must release the responsive 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,

Chase D. Young  
Assistant Attorney General  
Open Records Division

CDY/jm

Ref: ID# 942427

Enc. Submitted documents

c: Requestor  
(w/o enclosures)