



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 9, 1996

Mr. David A. Berman
Nichols, Jackson, Dillard, Hager & Smith, L.L.P.
1800 Lincoln Plaza
500 North Akard
Dallas, Texas 75201

OR96-0685

Dear Mr. Berman:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 39781.

The City of Lake Dallas (the "city"), which you represent, received a request for all written complaints against the requestor and a copy of the requestor's police department personnel file in the chief of police's office. You claim that the requested information is excepted from disclosure under sections 552.103, 552.108(b), and 552.111 of the Government Code.

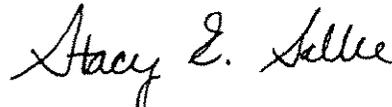
Chapter 552 of the Government Code imposes a duty on governmental bodies seeking an open records decision pursuant to section 552.301 to submit that request to the attorney general within ten days after the governmental body's receipt of the request for information. The time limitation found in section 552.301 is an express legislative recognition of the importance of having public information produced in a timely fashion. *Hancock v. State Bd. of Ins.*, 797 S.W.2d 379, 381 (Tex. App.--Austin 1990, no writ). When a request for an open records decision is not made within the time period prescribed by section 552.301, the requested information is presumed to be public. *See Gov't Code* § 552.302. This presumption of openness can only be overcome by a compelling demonstration that the information should not be made public. *See, e.g., Open Records Decision No. 150 (1977)* (presumption of openness overcome by showing that the information is made confidential by another source of law or affects third party interests).

The city received the request for information on March 8, 1996. However, the city did not seek a ruling from this office until March 21, 1996, more than ten days after the city received the request. Consequently, we find that you have not met your burden under

sections 552.301 through 552.303 of the act and that the information is presumed to be public. Open Records Decision No. 195 (1978).

In the absence of a demonstration that the information is confidential by law or that other compelling reasons exist as to why the information should not be made public, you must release the information. Open Records Decision No. 195 (1978). *See also* Gov't Code § 552.352 (the distribution of confidential information is a criminal offense). If you have any questions regarding this matter, please contact our office.

Yours very truly,



Stacy E. Sallee
Assistant Attorney General
Open Records Division

SES/ch

Ref.: ID# 39781

Enclosures: Submitted documents

cc: Mr. Jerry R. Kelley
Lake Dallas Police Department
305 Alamo
Lake Dallas, Texas 75065
(w/o enclosures)