



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

August 30, 1996

Mr. Mitchell S. Milby  
Assistant City Attorney  
Municipal Building  
Dallas, Texas 75201

OR96-1558

Dear Mr. Milby:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 100693.

The Dallas Police Department received request for the "arrest report on # 0433404E including narrative and supplements. You claim that the requested information is excepted from required public disclosure by section 552.108 of the Government Code. We have considered the exception you claimed and have reviewed the documents at issue.

The Open Records Act 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 a showing that the information is made confidential by another source of law or affects third party interests).*

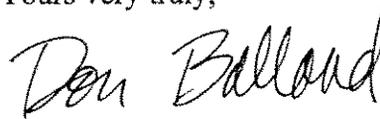
The Open Records Act places on the custodian of public records the burden of establishing that records are excepted from public disclosure. Attorney General Opinion H-436 (1974). Your request for an open records decision from this office was made on

June 25, 1996. You received the request for information on June 14, 1996. 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).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Don Ballard  
Assistant Attorney General  
Open Records Division

JDB/ch

Ref.: ID# 100693

Enclosures: Submitted documents

cc: Ms. Valerie Brooks-Murry  
3636 Red Bird Lane # 1307  
Dallas, Texas 75237  
(w/o enclosures)