



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

February 26, 1997

Ms. LaRonica Lightfoot
Assistant City Attorney
City of Dallas Municipal Building
Dallas, Texas 75201

OR97-0428

Dear Ms. Lightfoot:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 104125.

The City of Dallas (the "city") received a request for certain internal documents connected with an arrest. You assert that the information at issue is exempted from disclosure pursuant to section 552.103(a).

You received the request on November 18, 1996, then requested a decision from this office by letter dated December 6, 1996. Section 552.301 of the Government Code provides that:

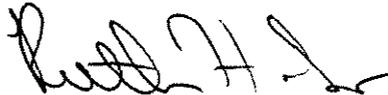
(a) A governmental body that receives a written request for information that it wishes to withhold from public disclosure and that it considers to be within one of the exceptions under [chapter 552] must ask for a decision from the attorney general about whether the information is within that exception if there has not been a previous determination about whether the information falls within one of the exceptions. The governmental body must ask for the attorney general's decision and state the exceptions that apply *within a reasonable time but not later than the 10th calendar day after the date of receiving the written request.* [Emphasis added.]

Chapter 552 thus imposes a duty on a governmental body seeking an open records decision to submit that request to this office within ten days after receipt of the request for information. Failure to abide by this provision results in the presumption that information is public. Gov't Code § 552.302.

The presumption that information is public when the ten day deadline is not met can only be overcome by a compelling demonstration that the information at issue should not be made public, such as when information is made confidential by other law. See Open Records Decision No. 150 (1977) (presumption of openness overcome by showing information was made confidential by other law or affects third party interests). 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 records at issue. Open Records Decision No. 195 (1978).

We are resolving this matter with this 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 may 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,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref.: ID# 104125

Enclosures: Submitted documents

cc: Mr. Howard Bridges, Jr.
434 W. Kiest Blvd.
Dallas, Texas 75224
(w/o enclosures)