



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 7, 1997

Mr. Gerald W. Schmidt
Gillespie County Attorney
105 N. Adams
Fredericksburg, Texas 78624

OR97-0489

Dear Mr. Schmidt:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 104315.

As the Gillespie County Attorney, you have received an open records request from an attorney on behalf of his client for the following records:

1. All incident reports prepared by officers of the Gillespie County Sheriff's Office pertaining to the requestor's client and her son on June 13 and 14, 1996, including "the ensuing events at the LEB, the jail, and Hill Country Memorial Hospital;
2. Copies of the 911 dispatch log for June 13 and 14, 1996;
3. Copies of policies relating to classification of officers, their selection, training and evaluation;
4. Copies of "the surety bonds held by you and any and all insurance policies providing protection for acts of malfeasance or misfeasance by deputies in the course of their duties."¹

¹You have submitted other documents to this office that do not appear to come within the ambit of the open records request. We do not address in this ruling whether those other documents are subject to required public disclosure.

In accordance with section 552.301 of the Government Code, you have requested an open records decision from this office within ten days of your receipt of the open records request. You have not, however, raised any of the specific exceptions to required public disclosure listed in subchapter C of chapter 552 of the Government Code.

Section 552.301(a) of the Government Code provides:

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 Subchapter C 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.]

Further, section 552.302 of the Government Code provides:

If a governmental body does not request an attorney general decision *as provided by Section 552.301(a)*, the information requested in writing is presumed to be public information.

As noted above, you have raised none of the act's exceptions to required public disclosure. Further, after reviewing the information at issue, this office could identify no confidential information that must be withheld from the requestor pursuant to section 552.101 of the Government Code.² We therefore conclude that, in accordance with section 552.302, the requested information is deemed public and must be released to the requestor in its entirety.

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

²We note that although some of the information at issue may implicate the privacy interests of the requestor's client, the requestor has a special right of access to this information pursuant to section 552.023 of the Government Code. We further note that although some of the information at issue concerns allegations of juvenile conduct, juvenile records held by law-enforcement agencies are no longer confidential under the Family Code. See Open Records Decision No. 644 (1996).

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,



Loretta R. DeHay
Assistant Attorney General
Open Records Division

LRD/RWP/rho

Ref.: ID# 104315

Enclosures: Submitted documents

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(w/o enclosures)