



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

April 16, 1997

Ms. Amy L. Whitt  
Assistant City Attorney  
City of Lubbock  
P.O. Box 2000  
Lubbock, Texas 79457

OR97-0846

Dear Ms. Whitt:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 105343.

The City of Lubbock (the "city") received a request for information relating to the maintenance and operation of the city police department's radar system. You contend that the requested information is excepted from disclosure under sections 552.103 and 552.108 of the Government Code.

Pursuant to section 552.301(b), a governmental body is required to submit to this office (1) general written comments stating the reasons why the stated exceptions apply that would allow the information to be withheld, (2) a copy of the written request for information, and (3) a copy of the specific information requested or representative samples, labeled to indicate which exceptions apply to which parts of the documents. You did not, however, submit to this office copies or representative samples of the specific information that was requested.

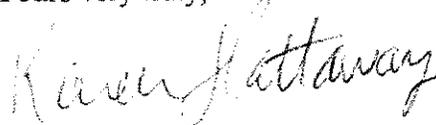
Pursuant to section 552.303(c) of the Government Code, this office notified you by facsimile on February 20, 1997, that you had failed to submit the information required by section 552.301(b). We requested that you provide this information to our office within seven days from the date of receiving the notice. The notice further stated that under section 552.303(e) failure to comply would result in the legal presumption that the information at issue is public information. Therefore, as provided by section 552.303(e), the information that is the subject of this request for information is presumed to be public information. 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).<sup>1</sup>

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<sup>1</sup>We note that the distribution of confidential information is a criminal offense. Gov't Code § 552.352.

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 any questions about this ruling, please contact our office.

Yours very truly,



Karen E. Hattaway  
Assistant Attorney General  
Open Records Division

KEH/alg

Ref: ID# 105343

cc: Mr. John P. Oakley  
5403 14th Street  
Lubbock, Texas 79416  
(w/o enclosures)