



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

May 27, 1997

Ms. Y. Qiyamah Taylor  
Assistant City Attorney  
City of Houston  
Legal Department  
P.O. Box 1562  
Houston, Texas 77251-1562

OR97-1221

Dear Ms. Taylor:

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# 106436.

The Houston Police Department received an open records request for information regarding the oaths or affirmations of office by various police officers. In your request for an open records decision, you argued that the requested information was excepted from required public disclosure pursuant to § 143.089(g) of the Local Government Code. You did not, however, submit to our office at that time copies of the requested information. *See* Gov't Code § 552.301(b).

Pursuant to section 552.303(c) of the Government Code, on April 3, 1997, our office notified you by letter sent via facsimile that you had failed to submit 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 requested information is public information.

You did not provide our office with the information that was requested in our April 3, 1997 notice to you. Therefore, as provided by section 552.303(e), the requested information is presumed to be public and must be released absent a demonstration that a compelling interest exists for withholding the information. *See Hancock v. State Bd. of Ins.*, 797 S.W.2d 379, 381-82 (Tex. App.--Austin 1990, no writ) (governmental body must make compelling demonstration to overcome presumption of openness pursuant to statutory predecessor to Gov't Code § 552.302); Open Records Decision No. 319 (1982).

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,



Michael A. Pearle  
Assistant Attorney General  
Open Records Division

MAP/RWP/alg

Ref.: ID# 106436

cc: Anatar Schubert  
P.O. Box 1592  
Spring, Texas 77383-1592