



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 6, 1998

Ms. Dianne Eagleton
Supervisor, Records Division
North Richland Hills Police Department
P.O. Box 820609
North Richland Hills, Texas 76182-0609

OR98-0621

Dear Ms. Eagleton:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 113255.

The North Richland Hills Police Department (the "department") received a request for a particular offense report. You claim that the requested information should be withheld from disclosure pursuant to section 552.023 of the Government Code. However, section 552.023 is not an exception to required public disclosure. Section 552.023 does not give a governmental body the authority to withhold information. Section 552.023 merely prevents a governmental body from using laws intended to protect an individual's privacy as the basis for denying the subject of the information access to the information.

Section 552.301(a) of the Government Code imposes a duty on a governmental body seeking an open records decision to submit that request to the attorney general within ten business days after the governmental body's receipt of the request for information. In its request for a decision, the governmental body must state the exceptions to disclosure that apply to the requested information. Gov't Code § 552.301(a). When a proper 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).

You did not claim any exceptions to disclosure in your request for an open records decision and, therefore, the requested information is presumed to be public. Unless the information is confidential by law or other compelling reasons exist as to why the information should not be made public, you must release the information.

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/ch

Ref: ID# 113255

Enclosures: Submitted documents

cc: Mr. Kent Douglas Lambertson
5628 Wedgmont Circle
Fort Worth, Texas 76133
(w/o enclosures)