



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

December 28, 1998

Captain Robert Taylor  
Amarillo Police Department  
City of Amarillo  
200 S E 3<sup>rd</sup>  
Amarillo Texas 79101-1515

OR98-3254

Dear Captain Taylor:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID # 121312.

You submitted to this office a request for information to the City of Amarillo Police Department (the "city") dated August 18, 1998. The request covered an incident report, including the narrative and witness statements, and the traffic accident report concerning an automobile collision which resulted in a fatality. On October 20, 1998, you submitted to this office the city's request for a ruling and the witness statements and the incident report. You did not submit to this office the state accident report, which you have released to the requestor. You assert that, with the exception of the state accident report, the requested information is excepted from required public disclosure by section 552.108(a)(2) of the Government Code.

It appears that the city received the request for information in August, 1998 and did not request an opinion from this office until October 20, 1998. Consequently, the city did not meet its statutory burden to request a decision within 10 business days of receipt of the open records request. Gov't Code 552.301. The requested information is therefore presumed public. In the absence of a demonstration that the requested 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). *See also Gov't Code § 552.352 (the distribution of confidential information is a criminal offense).*