

February 1, 1999

Ms. Denise Wilt
City Secretary
City of Ferris
100 Town Plaza
Ferris, Texas 75125

OR99-0297



OFFICE OF THE
ATTORNEY GENERAL
STATE OF TEXAS

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JOHN CORNYN
Attorney General

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Dear Ms. Wilt:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 121629.

The City of Ferris (the "city") received an open records request for "phone records for mobile & office phone of police chief from 1-1-96 to present, indicating calls made." You indicate that some of "the numbers being listed could be that of an informant and could possibly breach the confidentiality between the parties." You contend that the requested information must be withheld from public disclosure. We have considered your contention and have reviewed the documents at issue.

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. In addition, pursuant to section 552.303(c) of the Government Code, this office notified you by letter dated November 16, 1998, that you had failed to submit the information required by section 552.301(b). Specifically, we asked you to clearly mark the information at issue to indicate which exceptions apply to which specific portions of the documents and to identify officers' or informants' phone numbers. 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 was public. *See* Open Records Decision No. 497 (1988). As of the date of this letter, you have not provided our office with the information that was requested. Therefore, as provided by section 552.303(e), the information that is the subject of this request is presumed to be public. 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 in your possession to the requestor. Open Records Decision No. 195 (1978).

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,

David Van Brunt Price
David Van Brunt Price
Assistant Attorney General
Open Records Division

DVP\nc

Ref: ID# 121629

Enclosures: Submitted documents

cc: Ms. Aline McKenzie
Dallas Morning News
P.O. Box 655327
Dallas, Texas 75265
(w/o enclosures)