



October 5, 1999

Ms. Lilia Ledesma-Gonzalez  
Assistant City Attorney  
City of McAllen  
P.O. Box 220  
McAllen, Texas 78505-0220

OR-2815

Dear Ms. Ledesma-Gonzalez:

You ask whether certain information is subject to required public disclosure under the Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 128793.

The City of McAllen (the "city") received a request for offense report number 99-24357. You assert that the requested information is exempt from disclosure pursuant to section 52.108 of the Government Code. We have considered the exception you claim and reviewed the submitted documents.

Section 552.301(a) of the Government Code provides in part that:

A governmental body that receives a written request for information that it wishes to withhold from public disclosure and that it considers to be within one of the [act's] exceptions . . . must ask for a decision from the attorney general about whether the information is within that exception if there has not been a previous determination about whether the information falls within one of the exceptions. The governmental body must ask for the attorney general's decision and state the exceptions that apply within a reasonable time but not later than the 10th business day after the date of receiving the request.

The city received the written request for information on July 29, 1999. The city's request for an attorney general decision was postmarked August 17, 1999. In this case, this office did not receive the request for a decision within the 10 business day period mandated by section 552.301(a). Because the request for a decision was not timely received, the requested information is presumed to be public information. Gov't Code § 552.302; *see Hancock v. State Bd. of Ins.*, 797 S.W.2d 379 (Tex. App.--Austin 1990, no writ).

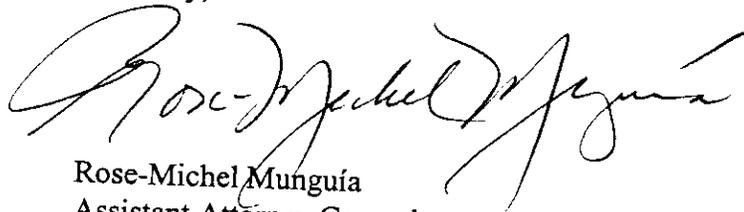
In order to overcome the presumption that the requested information is public information, a governmental body must provide compelling reasons why the information should not be disclosed. *Hancock*, 797 S.W.2d at 381; *see* Open Records Decision No. 630 (1994). You have not raised any specific compelling reasons to overcome the presumption that the information is public. Thus, we conclude that the information must be released to the requestor.

Prior to releasing the information, however, it should be noted that the submitted information contains information made confidential by law. You must withhold information excepted from disclosure under section 552.130 of the Government Code. Section 552.130 excepts information relating to a driver's license or motor vehicle title or registration issued by an agency of this state. We have marked the types of information you must withhold under section 552.130, including vehicle identification numbers, driver's license numbers and license plate numbers. Once this information has been redacted, the remaining information must be released.

We are resolving this matter with this 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 may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

In addition, for future reference, please note that the current Chief of the Open Records Division is Ms. Becky Payne.

Sincerely,



Rose-Michel Munguía  
Assistant Attorney General  
Open Records Division

Ref.: ID# 128793

Encl. Submitted documents

cc: Mr. Christopher Gonzales  
Route 1 - Box 358 R  
Donna, Texas 78537  
(w/o enclosures)