



November 14, 2000

Mr. Chris Thompson
Assistant District Attorney
Cass County
P.O. Box 839
Linden, Texas 75563

OR2000-4408

Dear Mr. Thompson:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 141263.

The Cass County Sheriff's Department (the "department") received a written request for all records pertaining to the investigation of a named individual's death. Although you originally sought to withhold the requested records pursuant to section 552.108 of the Government Code, you have subsequently informed this office that the department has decided to release virtually all of the records at issue. We therefore assume that you have withdrawn your section 552.108 claim.

You state that the department now seeks to withhold only "a list of names and addresses taken from a 'suspect's' caller ID box." You express concern that "disclosure of these names in a case such as this will expose them to some sort of public scrutiny." You have not, however, raised any applicable exception to disclosure with regard to this information. *See* Gov't Code § 552.301(b). Nor do we find that this information is made confidential under other law. *See* Open Records Decision No. 51 at 1 (1974) (absent special circumstances, basic identifying information such as person's name and address is public information). We therefore conclude that the list of names and addresses must be released to the requestor. *See* Gov't Code § 552.302.

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.--Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to the General Services Commission at 512/475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for

contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,

A handwritten signature in black ink that reads "Michael A. Pearle". The signature is written in a cursive, flowing style.

Michael A. Pearle
Assistant Attorney General
Open Records Division

MAP/RWP/seg

Ref: ID# 141263

Encl. Submitted documents

cc: Mr. Steven Jones
c/o Sandra A. Jones
10901 Tara Dawn Circle
Pensacola, Florida 32534
(w/o enclosures)