



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 13, 1995

Ms. Detra G. Hill
Assistant City Attorney
Supervisor, Criminal and Police Division
Office of the City Attorney
City Hall
Dallas, Texas 75201

OR95-606

Dear Ms. Hill:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 33559.

The City of Dallas Police Department received a request for information under the Open Records Act on April 27, 1995. You requested a decision from this office on May 10, 1995. Consequently, you failed to request a decision within the ten days required by section 552.301(a) of the act.

Sections 552.301 - .302 of the act require a governmental body to release requested information or to request a decision from the attorney general within ten days of receiving a request for information the governmental body wishes to withhold. When a governmental body fails to request a decision within ten days of receiving a request for information, the information at issue is presumed public. *Hancock v. State Bd. of Ins.*, 797 S.W.2d 379 (Tex. App.--Austin 1990, no writ); *City of Houston v. Houston Chronicle Publishing Co.*, 673 S.W.2d 316, 323 (Tex. App.--Houston [1st Dist.] 1984, no writ); Open Records Decision No. 319 (1982). The governmental body must show a compelling interest to withhold the information to overcome this presumption. *See id.*

You have not shown compelling reasons why the information at issue should not be released. The information is presumed to be public and must be released.

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 may not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink that reads "Loretta R. DeHay". The signature is written in a cursive style with a large initial "L".

Loretta R. DeHay
Assistant Attorney General
Open Government Section

LRD/LMM/rho

Ref: ID# 33559

Enclosures: Submitted documents

cc: Ms. Laura McHugh Rogers
(w/o enclosures)