



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

January 12, 1998

Mr. Ralph J. Bernsen, Sr.  
County Attorney  
County of Medina  
County Courthouse, Third Floor  
Hondo, Texas 78861

OR98-0112

Dear Mr. Bernsen:

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# 111782.

The County of Medina (the "county") received a request from an individual issued a traffic citation for a variety of information relating to the operation of radar units, as well as for personnel information for the officer issuing the traffic citation as well as for the officer's supervisor. You assert that the information is excepted from disclosure pursuant to sections 552.024 and 552.102 of the Government Code.

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. You did not, however, submit to this office copies or representative samples of the specific information that was requested.

Pursuant to section 552.303(c) of the Government Code, this office notified you by letter dated December 3, 1997, that you had failed to submit the information required by section 552.301(b). 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 is public information.

You did not provide 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 for information is presumed to be public information. Information that is presumed public must be released unless a governmental body demonstrates a compelling interest to withhold the information to overcome this presumption. *See Hancock v. State Bd. of Ins.*, 797 S.W.2d 379, 381-82 (Tex. App.--Austin 1990, no writ) (governmental body must make compelling demonstration to overcome presumption of openness pursuant to statutory predecessor to Gov't Code § 552.302); Open Records Decision No. 319 (1982). 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. Open Records Decision No. 195 (1978).<sup>1</sup>

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,



Michael A. Pearle  
Assistant Attorney General  
Open Records Division

MAP/ch

Ref.: ID# 111782

cc: Gordon B. Burgmaier  
706 Main, Box 173  
Bedford, Iowa 50833

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<sup>1</sup>We note that the distribution of confidential information is a criminal offense. Gov't Code § 552.352. *See* section 552.117(2) (governmental body must withhold peace officers' home addresses, telephone numbers, and social security numbers, and information that reveals whether peace officer has family members, regardless of whether officer complies with section 552.024).