



March 29, 1999

Ms. Katheryn West  
Assistant City Attorney  
City of Dallas  
Criminal Law & Police Division  
2014 Main Street, Room 206  
Dallas, Texas 75201

OR99-0869

Dear Ms. West:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 123285.

The Dallas Police Department (the "department") received a request for all supplemental investigation reports and incident reports involving one particular family. You claim that the requested information is excepted from disclosure under section 552.101 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.

Pursuant to section 552.303(c) of the Government Code, this office notified you by facsimile dated February 4, 1999, that you had failed to submit the information required by section 552.301(b), specifically a copy of the requested information and a copy of the written request for information. 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) (fact that submitting copies for review to Attorney General may be burdensome does not relieve governmental body of responsibility of doing so). 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). *But see* Gov't Code § 552.352 (the distribution of confidential information is a criminal offense).

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.

Sincerely,

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

DVP\nc

Ref: ID# 123285

Enclosures: Submitted document

cc: Mr. Gil Hernandez  
P.O. Box 535849  
Grand Prairie, Texas 75053  
(w/o enclosure)