



April 12, 1999

Ms. Pavala Hall  
Assistant City Attorney  
Criminal Law and Police Division  
City of Dallas  
Municipal Building  
Dallas, Texas 75201

OR99-0980

Dear Ms. Silver:

You ask this office to reconsider our decision in Open Records Letter No. 98-3248 (1998). Your request for reconsideration was assigned ID# 123910.

The Dallas Police Department (the “department”) received an open records request for its records pertaining to a particular internal affairs investigation. In Open Records Letter No. 98-3248, this office concluded that because you had not met your burden of demonstrating the applicability of section 552.108 of the Government Code, the department could not withhold the cellular telephone numbers of police officers contained in the IAD report.

You have provided us with additional arguments in an attempt to demonstrate the applicability of section 552.108 to the information at issue. A governmental body must explain the reasons why the stated exceptions apply within fifteen days of receiving the request. *See Gov’t Code*. You did not timely submit your arguments under section 552.108 in connection with the department’s original request for a ruling. We therefore affirm Open Records Letter No. 98-3248 (1997). For future reference, please be advised that any similar requests for reconsideration, based on new arguments not timely raised, will also be refused.

We additionally note that although this office issued Open Records Letter No. 98-3248 on December 28, 1998, you did not request reconsideration of that ruling until February 8, 1999. The department therefore has effectively withheld the information at issue from the requestor for more than one month without legal authority and in direct violation of the Open Records Act, thereby risking both civil and criminal actions against the City of Dallas. *See Gov’t Code §§ 552.321, .353.*

The department must release the information at issue in its entirety and without further delay. This office encourages the City of Dallas to take whatever steps necessary to ensure that in the future it has adequately briefed all exceptions to disclosure it has raised and that it fully complies with the rulings of this office and the other requirements of the Open Records Act.

If you have questions about this ruling, please contact this office and ask for the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read "William Walker". The signature is fluid and cursive, with a long horizontal stroke at the end.

William Walker  
Assistant Attorney General  
Open Records Division

WMW/RWP/ch

Ref.: ID# 123910

Enclosures: Submitted documents

cc: Mr. Gary Irvin  
7921 Alpha Road  
Dallas, Texas 75240  
(w/o enclosures)