



September 17, 1999

Mr. John Schromburger
Assistant Criminal District Attorney
Collin County Courthouse
210 S. McDonald, Suite 324
McKinney, Texas 75069

OR99-2596

Dear Mr. Schromburger:

You ask us to reconsider Open Records Letter No. 99-2268 (1999). Your request was assigned ID# 128723.

Collin County received a request for information "relating to all criminal cases against" certain named individuals. You asked us to determine whether the requested information is excepted from disclosure under sections 552.101, 552.108, and 552.111 of the Government Code.

In Open Records Letter No. 99-2268, we concluded that the requested information was presumed to be public because you had not timely requested an open records decision from this office. ORL 99-2268 at 1. We reached this conclusion erroneously. You have provided us with a copy of the postmark which proves that you timely submitted your request for a decision. *See Gov't Code § 552.308* (timeliness of action by mail). Furthermore, our own records include the original envelope bearing the same postmark.

Open Records Letter No. 99-2268 is therefore overturned to the extent it concludes that you did not timely request a decision from this office; it is affirmed to the extent it concludes that the requested information is excepted from disclosure under section 552.101 of the Government Code in conjunction with the common-law right to privacy.

Sincerely,

Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/ch

Ref: ID# 128723

cc: Mr. Mark Gilliam
P.O. Box 774
Glendale, Arizona 85311