



November 4, 1999

Mr. Brendan Hall  
City Attorney  
City of Harlingen  
P.O. Box 2207  
Harlingen, Texas 78551

OR99-3127

Dear Mr. Hall:

You ask this office to reconsider our decision in Open Records Letter No. 99- 2345 (1999). Your request for reconsideration was assigned ID# 129103.

Open Records Letter No. 99-2345, which concerned a request for information about the Harlingen police department, concluded that the City of Harlingen (the “city”) may not withhold the requested information from the requestor under the raised exceptions because the city had failed to provide this office with a copy of the written request for information. Section 552.301(b) of the Government Code requires a governmental body that requests an attorney general decision to provide this office several items of information, including a copy of the request. Because this office had not received a copy of the request for information, on July 23, 1999, this office notified the city that it had not submitted a copy of the written request for information and informed the city that failure to submit the copy of the request could result in the presumption that the requested information is public information under section 552.303(e) of the Government Code. Gov’t Code § 552.303(c), (e).

Section 552.303(e) provides as follows:

If a governmental body does not comply with Subsection (d), the information that is the subject of a person’s request to the governmental body and regarding which the governmental body fails to comply with Subsection (d) is presumed to be public information.

You now state that you submitted a copy of the request for information to this office with your request for a decision and that the body of your letter to this office quoted the request verbatim. You also state that you “did not notice the July 23rd’s request for a copy of the written request for information, or I would have provided it.” Your statements do not

ameliorate the effect of section 552.303(e). As you admittedly did not comply with our section 552.303 request for information, the statute requires this office to presume that the requested information is public. You have provided no compelling reason that the requested information should be withheld. Accordingly, we affirm Open Records Letter No. 99-2345 and the city may not withhold the requested information from the requestor.

We are resolving this matter with this 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 regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



Kay Hastings  
Assistant Attorney General  
Open Records Division

KHH/ljp

Ref.: ID# 129103

Encl. Submitted documents

cc: Mr. Peter Thaddeus, Jr.  
Dale and Klein. L.L.P.  
6301 North Tenth Street  
McAllen, Texas 78504  
(w/o enclosures)