



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

September 22, 2015

Mr. G. Brian Garrison  
Assistant District Attorney  
County of Dallas  
133 North Riverfront Boulevard, LB-19  
Dallas, Texas 75207-4399

OR2015-19794

Dear Mr. Garrison:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 579981.

The Dallas County District Attorney's Office (the "district attorney's office") received a request for all criminal case data from 1995 to the present. The district attorney's office claims the requested information is excepted from disclosure under sections 552.101 through 552.152 of the Government Code. We have considered the exceptions the district attorney's office claims.

We must address the district attorney's office's obligations under the Act. Section 552.301 of the Government Code describes the procedural obligations placed on a governmental body that receives a written request for information it wishes to withhold. Pursuant to section 552.301(b), the governmental body must request a ruling from this office and state the exceptions to disclosure that apply within ten business days after receiving the request. *See* Gov't Code § 552.301(b). Pursuant to section 552.301(e) of the Government Code, a governmental body is required to submit to this office within fifteen business days of receiving the request (1) 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, (3) a signed statement or sufficient evidence showing the date the governmental body received the written request, and (4) a copy of the specific information requested or representative samples, labeled to indicate which exceptions apply to which parts of the

documents. *See id.* § 552.301(e). The district attorney's office states it received the request for information on June 30, 2015. The district attorney's office does not inform us it was closed for any business days between June 30, 2015 and July 14, 2015. Accordingly, the district attorney's office was required to provide the information required by subsection 552.301(b) by July 14, 2015. We received the district attorney's office's request for ruling on July 17, 2015. There is no postmark on the envelope in which the district attorney's office's request for a decision was sent to this office, and we are otherwise unable to determine if the district attorney's office mailed its request for a ruling on or before July 14, 2015. *See id.* § 552.308(a)(1) (describing rules for calculating submission dates of documents sent via first class United States mail, common or contract carrier, or interagency mail). Further, as of the date of this ruling, the district attorney's office has not provided any written explanation as to why the information at issue should be withheld from disclosure or submitted to this office a copy or representative sample of any of the requested information. Consequently, we find the district attorney's office failed to comply with section 552.301 of the Government Code.

Pursuant to section 552.302 of the Government Code, a governmental body's failure to submit to this office the information required in section 552.301 results in the legal presumption that the information is public and must be released. Information that is presumed public must be released unless a governmental body demonstrates a compelling reason 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 section 552.302); Open Records Decision No. 319 (1982). Normally, a compelling reason to withhold information exists where some other source of law makes the information confidential or where third-party interests are at stake. *See* Open Records Decision No. 150 at 2 (1977). Because the district attorney's office failed to comply with the procedural requirements of the Act, the district attorney's office has waived all of its discretionary exceptions to disclosure. *See* Open Records Decision No. 663 at 5 (1999) (untimely request for decision resulted in waiver of discretionary exceptions). Although the district attorney's office also raises mandatory exceptions to disclosure, because the district attorney's office has not submitted any responsive information, we have no basis for finding any of the requested information excepted from disclosure or confidential by law. Thus, we have no choice but to order the information released to the requestor pursuant to section 552.302 of the Government Code. If you believe the information is confidential and may not lawfully be released, you must challenge this ruling in court pursuant to section 552.324 of the Government Code.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at [http://www.texasattorneygeneral.gov/open/orl\\_ruling\\_info.shtml](http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml), or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Rahat Huq  
Assistant Attorney General  
Open Records Division

RSH/som

Ref: ID# 579981

Enc. Submitted documents

c: Requestor  
(w/o enclosures)