



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

June 15, 2017

Mr. DJ Dickerson
Chief Deputy
Shelby County Sheriff's Office
100 Hurst Street
Center, Texas 75935

OR2017-13320

Dear Mr. Dickerson:

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# 662169.

The Shelby County Sheriff's Office (the "sheriff's office") received a request for all 9-1-1 call logs during a certain time period.¹ You claim the requested information is excepted from disclosure under section 552.108 of the Government Code.² We have considered the exception you claim.

Initially, you claim the instant request for information is vague, unreasonably burdensome, and overbroad in scope. We note a governmental body has a duty to make a good-faith effort to relate a request for information to information the governmental body holds. Open Records Decision No. 561 (1990). It is nevertheless proper for a governmental body to require a requestor to identify the records sought. *See* Open Records Decision Nos. 304 (1982), 23 (1974). For example, where governmental bodies have been presented with broad requests for information rather than specific records we have stated the governmental body

¹As you have not submitted a copy of the request for information, we take our description from your brief.

²Although you do not raise section 552.108 of the Government Code in your brief, we understand you to assert this exception based on the substance of your arguments.

may advise the requestor of the types of information available so the requestor may properly narrow the request. *See* Open Records Decision No. 31 (1974). A request for records made pursuant to the Act may not be disregarded simply because a citizen does not specify the exact documents he desires. *See* Open Records Decision No. 87 (1975). We note if a request for information is unclear, a governmental body may ask the requestor to clarify the request. Gov't Code § 552.222(b); *see also* Open Records Decision Nos. 561 at 8 (1990), 333 (1982). However, we note the administrative inconvenience in responding to a request for information is not grounds for refusing to comply with a request under the Act. *See Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 687 (Tex. 1976); *see also* Open Records Decision No. 497 at 4 (1988) (fact that submitting copies for review may be burdensome does not relieve governmental body of its responsibility to do so). In this instance, you state the sheriff's office has asked the requestor to clarify his request. In his response to the city's request for clarification, you explain the requestor refused to clarify his request. You have not submitted any responsive information to this office for our review. Thus, we must address the obligations of the sheriff's office under section 552.301 of the Government Code, which prescribes the procedural obligations a governmental body must follow in asking this office to decide whether requested information is excepted from public disclosure.

Section 552.301(e) requires the governmental body to submit to the attorney general, not later than the fifteenth business day after the date of the receipt of the request: (1) written comments stating why the governmental body's claimed exceptions apply to the information that it seeks to withhold; (2) a copy of the written request for information; (3) a signed statement of the date on which the governmental body received the request or evidence sufficient to establish that date; and (4) the specific information that the governmental body seeks to withhold or representative samples if the information is voluminous. Gov't Code § 552.301(e)(1). You state the sheriff's office received the request for information on March 20, 2017. As noted above, in response to the request for clarification sent by the sheriff's office, you state the requestor refused to clarify his request. We note you do not inform this office the date the sheriff's office received the requestor's response to the request for clarification. *See City of Dallas v. Abbott*, 304 S.W.3d 380 (Tex. 2010) (holding that when governmental entity, acting in good faith, requests clarification of unclear or overbroad request for public information, ten-business-day period to request attorney general opinion is measured from date the request is clarified or narrowed). Nevertheless, regardless of the date the sheriff's office received the requestor's response to its request for clarification, we note that, as of the date of this ruling, you have not submitted a copy of the written request for information, or the specific information requested or a representative sample. Consequently, we find you have failed to comply with the procedural requirements of section 552.301(e) of the Government Code.

Pursuant to section 552.302 of the Government Code, a governmental body's failure to comply with the procedural requirements of section 552.301 results in the legal presumption that the requested information is public and must be released unless there is a compelling

reason to withhold the information from disclosure. See Gov't Code § 552.302; *Simmons v. Kuzmich*, 166 S.W.3d 342, 350 (Tex. App.—Fort Worth 2005, no pet.); *Hancock v. State Bd. of Ins.*, 797 S.W.2d 379, 381 (Tex. App.—Austin 1990, no writ). Although you raise section 552.108, because you have not submitted the requested information for our review, we have no basis for finding any of the information excepted from disclosure. Thus, we have no choice but to order the requested information released pursuant to section 552.302.

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, 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,



Cole Hutchison
Assistant Attorney General
Open Records Division

CH/sb

Ref: ID# 662169

c: Requestor