



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 26, 2017

Sheriff A. Albert De Leon
Frio County Sheriff's Office
502 South Cedar Street
Pearsall, Texas 78061

OR2017-22009

Dear Sheriff De Leon:

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# 681894.

The Frio County Sheriff's Office (the "sheriff's office") received a request for a specified 9-1-1 recording. We have reviewed the submitted information.

Initially, we must address the procedural obligations of the sheriff's office under section 552.301 of the Government Code, which prescribes the procedures that a governmental body must follow in asking this office to decide whether requested information is excepted from public disclosure. Pursuant to section 552.301(b), a governmental body must ask for a decision from this office and state the exceptions that apply within ten business days of receiving the written request. Gov't Code § 552.301(b). The sheriff's office informs us it received the request for information on August 8, 2017. Thus, the sheriff's office's ten-business-day deadline to request a ruling was August 22, 2017. However, the envelope in which the sheriff's office requested a ruling from this office bears a certified mail tracking number demonstrating it was mailed on August 23, 2017. *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). In addition, although the sheriff's office states, "[i]n the submitted 911 call, the complainant gives his name and phone number, but we are unable to redact this information[,]" it does not raise an exception to withhold the submitted information under the Act. *See id.* § 552.301(b).

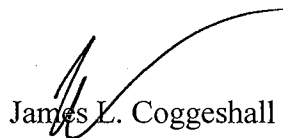
Pursuant to section 552.302 of the Government Code, a governmental body's failure to comply with the procedural requirements of section 552.301 results in the legal presumption

that the requested information is public and must be released unless there is a compelling reason to withhold the information from disclosure. *See id.* § 552.302; *Simmons v. Kuzmich*, 166 S.W.3d 342 (Tex. App.—Fort Worth 2005, no pet.); *Hancock v. State Bd. of Ins.*, 797 S.W.2d 379, 381-82 (Tex. App.—Austin 1990, no writ). The sheriff's office has not established there is a compelling reason to withhold any of the information at issue. Therefore, the sheriff's office must release the submitted information.¹

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,



James L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/bw

Ref: ID# 681894

Enc. Submitted documents

c: Requestor
(w/o enclosures)

¹The information at issue contains motor vehicle record information to which the requestor has a right of access pursuant to section 552.023 of the Government Code. *See* Gov't Code § 552.023(a). Section 552.130(c) of the Government Code allows a governmental body to redact the information described in subsection 552.130(a) without the necessity of seeking a decision from the attorney general. *See id.* § 552.130(c). If a governmental body redacts such information, it must notify the requestor in accordance with section 552.130(e). *See id.* § 552.130(d), (e). Therefore, if the sheriff's office receives another request for this information, section 552.130(c) authorizes the sheriff's office to redact the motor vehicle record information at issue without requesting another ruling from this office.