



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 6, 2020

Ms. Bhavani Madiseti-Vemireddy
Assistant County Attorney
Williamson County
405 Martin Luther King Jr Street, Suite 7
Georgetown, Texas 78626-4900

OR2020-07099

Dear Ms. Madiseti-Vemireddy:

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# 815087 (WCAO ID No. 2019-718-PIA).

The Williamson County Attorney's Office (the "county attorney's office") received a request for 9-1-1 audio recordings pertaining to a specified incident. The county attorney's office claims the submitted information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception the county attorney's office claims and reviewed the submitted representative sample of information.

Initially, we note the submitted information is not responsive to the instant request because it does not consist of the requested 9-1-1 audio recordings. This ruling does not address the public availability of the non-responsive information and the county attorney's office need not release it in response to the request.

We must address the county attorney's office's obligations under the Act. Section 552.301 of the Government Code prescribes the procedures that a governmental body must follow in asking this office to decide whether requested information is excepted from public disclosure. *See* Gov't Code § 552.301. Pursuant to section 552.301(e), a governmental body is required to submit to this office within fifteen business days of receiving an open records request (1) written comments stating the reasons why the claimed 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. *Id.* § 552.301(e). The county attorney's office received the request

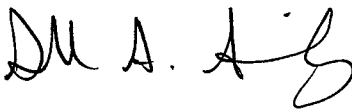
for information on December 19, 2019. As of this date, county attorney's office has not submitted to this office a copy or representative sample of the information requested. Although the county attorney's office states it has submitted a representative sample of the requested information, we find the submitted information is not representative of the information to which the requestor seeks access. Consequently, we conclude the county attorney's office failed to comply with the requirements of section 552.301 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 id.* § 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 the county attorney's office raises an exception to disclosure, because it has 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 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 <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,



Gerald Arismendez
Assistant Attorney General
Open Records Division

GAA/jxd

Ref: ID# 815087

Enc. Submitted documents

c: Requestor
(w/o enclosures)