



**THE ATTORNEY GENERAL  
OF TEXAS**

**JIM MATTOX  
ATTORNEY GENERAL**

February 15, 1989

Mr. Michael L. Abbott  
Southwest Texas State University  
Office of the President  
San Marcos, Texas 78666-4615

Dear Mr. Abbott:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 5424; this decision is OR89-53.

Under the Open Records Act, all information held by governmental bodies is open unless the information falls within one of the act's specific exceptions to disclosure. The act places on the custodian of records the burden of proving that records are excepted from public disclosure. If a governmental body fails to claim an exception, the exception is ordinarily waived unless the information is deemed confidential under the act. See Attorney General Opinion JM-672 (1987). The act does not require this office to raise and consider exceptions that you have not raised.

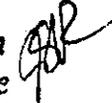
You received a request for financial information submitted by the successful bidder for a food service contract. You assert that the information is exempt under section 3(a)(10) and Open Records Decision No. 309 (1982). This office agrees. You have met the burden of proof under section 3(a)(10) for withholding financial information by showing that release of the information would both impair the university's ability to obtain this type of data in the future and cause substantial harm to the food service company's competitive position.

Because case law and prior published open records decisions resolve your request, we are resolving this matter

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with this informal letter ruling rather than with a published open records decision. Please provide Ms. Jody Dodd, the requestor, with a copy of this ruling. If you have questions about this ruling, please refer to OR89-53.

Yours very truly,

*Open Government Section*  
*of the Opinion Committee* 

Open Government Section  
of the Opinion Committee  
Prepared by Patricia Barnhard  
Assistant Attorney General

PB/bc

Ref.: ID# 5424