



**THE ATTORNEY GENERAL
OF TEXAS**

**JIM MATTOX
ATTORNEY GENERAL**

February 16, 1989

Mr. Pat Campbell
Texas Tech University
P. O. Box 4641
Lubbock, Texas 79409-2021

Dear Mr. Campbell:

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# 5443; this decision is OR89-57.

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 the list of finalists for the position of university president generated by a search committee. You assert that this list is exempt from required public disclosure under section 3(a)(11) and Open Records Decision No. 273 (1981). This office disagrees.

Open Records Decision No. 273 was overruled by Open Records Decision No. 439 (1986). In Open Records Decision No. 439, the attorney general stated that the legitimate governmental interest under section 3(a)(11) is in protecting agency deliberations concerning job applicants, not in protecting the applicants' identities and backgrounds. The reasoning in that decision applies here, and this office holds that the information requested is public.

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. If you have questions about this ruling, please refer to OR89-57.

Yours very truly,

Open Government Section
of the Opinion Committee

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of the Opinion Committee
Prepared by Patricia Barnhard
Assistant Attorney General

PB/bc

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Ref.: ID# 5443

Enclosure: (return materials submitted)