



**THE ATTORNEY GENERAL
OF TEXAS**

**JIM MATTOX
ATTORNEY GENERAL**

March 14, 1989

Ms. Ann Manning
McWhorter Cobb and Johnson
Attorneys at Law
P. O. Box 2547
Lubbock, Texas 79408

Dear Ms. Manning:

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# 5785; this decision is OR89-84.

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.

The Lubbock Independent School District received a request for "complete and intact" monthly American Express statements. You indicate that the district routinely divides perforated portions of the statement to distribute to individual card holders for verification. You ask whether this practice constitutes the mutilation or destruction of public records, whether the Open Records Act requires the district to furnish intact monthly statements, and whether the district must comply with a standing request for statements.

The district's practice of dividing statements along perforations does not constitute the mutilation or destruction of public records, so long as no portion of the statement is destroyed and the requestor is provided with all portions. You need not provide the requestor with an

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intact copy. See Open Records Decision Nos. 467 (1987); 145(1976). Neither must the district comply with a standing request for information. Attorney General Opinion JM-48 (1983).

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR89-84.

Yours very truly,

Open Government Section
of the Opinion Committee

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of the Opinion Committee
Prepared by Jennifer S. Riggs
Chief, Open Government Section

JSR/bc

Ref.: ID# 5795

cc: Norma Jean Morris
7716 Knoxville Drive
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