



**THE ATTORNEY GENERAL
OF TEXAS**

June 5, 1989

**JIM MATTOX
ATTORNEY GENERAL**

Ms. Analeslie Muncy
City Attorney
City of Dallas
City Hall
Dallas, Texas 75201

ATTN: Jesus Toscano

Dear Ms. Muncy:

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# 6095; this decision is OR89-167.

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 City of Dallas' Convention and Visitors Bureau received a request for its "Monthly Update on Goals and Flow Chart of Activities" for various periods of time. You contend that sections 3(a)(4) and 3(a)(5) protect the information from required disclosure.

We have reviewed your arguments concerning section 3(a)(4) and are not persuaded by them. For the reasons stated in informal decision OR89-116, section 3(a)(4) does not protect the information at issue. A copy of that decision is enclosed.

You also claim that section 3(a)(5) protects this information. Section 3(a)(5) excepts:

Ms. Analeslie Muncy
June 1, 1989
Page 2

information pertaining to the location of real or personal property for public purposes prior to public announcement of the project, and information pertaining to appraisals or purchase price of real property for public purposes prior to the formal award of contracts therefor. (Emphasis added.)

On its face, section 3(a)(5) does not apply to the information at issue.

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 OR89-167.

Yours very truly,

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

JSR/bc

Enclosure: OR89-116

Ref.: ID# 6095
ID# 6094
ID# 5935

cc: Charles Duncan
Senior Reporter
WFAA TV
Communications Center
Dallas, Texas 75202