



**THE ATTORNEY GENERAL  
OF TEXAS**

**JIM MATTOX  
ATTORNEY GENERAL**

July 13, 1989

Mr. M. R. Corbett  
City Clerk  
City of Shavano Park  
99 Saddletree Road  
San Antonio, Texas 78231

Dear Mr. Corbett:

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# 6106; this decision is OR89-201.

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 exempted 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 Shavano Park received requests for copies of a letter from the Municipal Court Clerk to Mr. Jason W. Downing regarding a request for the dismissal of a speeding ticket. The letter was discussed at a meeting of the city council and attached to the minutes of that meeting. You ask whether the letter may be released.

Your letter indicates that several citizens have obtained the minutes with the letter attached. Once a governmental body exercises its discretion to release information protected by "permissive exceptions," however, it must release the information "to any person." See V.T.C.S. art. 6252-17a, § 14(a). The Open Records Act prohibits selective disclosure. Open Records Decision Nos. 463 (1987); 192 (1978). If a governmental body releases information to one member of the public, the act's exceptions to disclosure are waived unless the information

Mr. M. R. Corbett  
July 13, 1989  
Page 2

is deemed confidential, as opposed to simply excepted, under the act. See id.; see also Open Records Decision No. 163 (1977).

You cite no exceptions to the Open Records Act that apply or laws that make the information confidential. The letter must, therefore, be released. You must provide copies as requested.

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 OR89-201.

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

Ref.: ID# 6106  
ID# 6519