



**THE ATTORNEY GENERAL  
OF TEXAS**

**JIM MATTOX  
ATTORNEY GENERAL**

July 17, 1989

Honorable John Garth  
County Judge  
Bell County, Texas  
P. O. Box 768  
Belton, Texas 76513

Dear Mr. Garth:

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# 6843; this decision is OR89-210.

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.

As County Judge of Bell County, Texas, you inquire whether you must make public, pursuant to a request made under the Open Records Act, the names and addresses of those persons who have applied for a position in the County Court at Law No. 2 Judge's Office. Your request is governed by Open Records Decision No. 188 (1978) (copy enclosed). Open Records Decision No. 188 determined that a list of applicants for appointment as municipal court judge is public. See also Open Records Decision No. 455 (1987). The requested information is public and should be released without delay.

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

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published open records decision. If you have questions about this ruling, please refer to OR89-210.

Yours very truly,

*Open Government Section  
of the Opinion Committee*

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Approved by Jennifer S. Riggs  
Chief, Open Government Section

JSR/RWP/bc

Enclosures: ORD-188  
ORD-455

cc: Ms. Janet K. Gregg  
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Temple, Texas 76501

Ref.: ID# 6843