



THE ATTORNEY GENERAL  
OF TEXAS

August 1, 1989

JIM MATTOX  
ATTORNEY GENERAL

Mr. Mack M. Vines  
Chief of Police  
Dallas Police Department  
Police and Courts Building  
Dallas, Texas 75201

Dear Mr. Vines:

This is to acknowledge receipt of an offense report requested by Mr. Noffie Johnson. This correspondence has been assigned ID# 6891; this is ruling OR89-226.

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 have raised no argument as to why the offense report in question should not be released. The report contains no information "deemed confidential by law" within the meaning of sections 3(a)(1) and 10(a) of the Open Records Act. It should therefore be released to Mr. Johnson immediately. See Open Records Decision No. 127 (1976).

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 OR89-226.

Yours very truly,  
*Open Government Section*  
*of the Opinion Committee*

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

JSR/RWP/bc

Mr. Mack M. Vines

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cc: Mr. Noffie Johnson  
#479626  
Ellis One Unit  
Huntsville, Texas 77343

Ref.: ID# 6891  
ID# 6647