



**THE ATTORNEY GENERAL  
OF TEXAS**

**JIM MATTOX  
ATTORNEY GENERAL**

August 3, 1989

Mr. John J. Greene  
City Attorney  
City of Conroe  
P. O. Box 3066  
Conroe, Texas 77305

Dear Mr. Greene:

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# 6899; this decision is OR89-231.

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 Conroe received an open records request for the resumes of applicants for the position of city administrator. You contend that section 3(a)(1) and 3(a)(2) of the Open Records Act protect this information from required public disclosure. In Open Records Decision No. 345 (1982) (enclosed), this office held that similar applicant information came under the protection of neither of these sections. Open Records Decision No. 345 governs the information currently being requested; you must, therefore, release the applicants' resumes 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 OR89-231.

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/RWP/bc

Enclosures: ORD 345

cc: Paul McKay  
Houston Chronicle  
Montgomery County News Bureau  
102 Shadylyn  
Conroe, Texas 77304

Ref.: ID# 6899