



**THE ATTORNEY GENERAL
OF TEXAS**

**JIM MATTOX
ATTORNEY GENERAL**

August 15, 1989

Mr. H. Wayne Hendrick
Superintendent of Schools
Plano Independent School District
1517 Avenue H
Plano, Texas 75074

Dear Mr. Hendrick:

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# 7047; this decision is OR89-246.

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 Plano Independent School District (PISD) received an open records request for a letter sent to Mr. Doyle R. Walker from the president of the PISD Board of Trustees. The letter informs Mr. Walker that the superintendent of schools recommended that Mr. Walker's personnel contract be cancelled and outlines the charges that have been raised against Mr. Walker. You contend that subsections 3(a)(2) and 3(a)(3) of the Open Records Act except this letter from required public disclosure.

In Open Records Decision No. 320 (1982), this office held that information similar to that contained in the requested letter came under the protection of neither of the exceptions you raise. Open Records Decision No. 320 governs the public availability of the information at issue here; the letter is public and should be released without delay.

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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 OR89-246.

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

Ref.: ID# 7047

cc: Curtis T. Howell (with enclosures)
801 E. Plano Parkway
Plano, Texas 75074

Enclosure: ORD-320