



**THE ATTORNEY GENERAL
OF TEXAS**

September 25, 1989

**JIM MATTOX
ATTORNEY GENERAL**

Ms. Mary Ann Courter
Legal Counsel
Texas Department of Public Safety
P. O. Box 4087
Austin, Texas 78773-0001

Dear Ms. Courter:

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# 7483; this decision is OR89-311.

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 Texas Department of Safety (DPS) received an open records request for "a list of names with addresses of all the people who have filed an SR-22 form within the last calendar year." You contend that compliance with the request would entail the creation of a class-type list of information in contravention of section 21(j)(3) of article 6687b, V.T.C.S.

This office has previously ruled that the DPS is not required to compile class-type lists of individuals or businesses. See Open Records Decision No. 498 (1988); OR89-023 (1989). Open Records Decision No. 498 governs the information at issue; you need not comply with the current request. Additionally, for purposes of section 7(a) of the Open Records Act, DPS may consider Open Records Decision 498, OR89-023, OR88-303 (1988), and this ruling as previous determinations on this issue; you need not, therefore,

Ms. Mary Ann Courter
September 25, 1989
Page 2

request subsequent decisions when you receive future requests to compile class-type lists.

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 OR89-311.

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

cc: Mr. LLance Kezner
Vice President
Wesco Marketing Corp.
709 143rd N.E., Suite 28
Bellevue, WA 98007

Ref.: ID# 7483