



**THE ATTORNEY GENERAL  
OF TEXAS**

October 10, 1989

**JIM MATTOX  
ATTORNEY GENERAL**

Mr. S. Lee Wingate  
City Attorney  
The City of Texas City  
P. O. Drawer 2608  
Texas City, Texas 77592-2608

Dear Mr. Wingate:

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# 7631; this decision is OR89-329.

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 Texas City received an open records request for the names and addresses of persons receiving traffic citations from the city's police department. You do not contend that this information is excepted from required public disclosure.

In Open Records Decision No. 274 (1981), this office held that although records of the municipal court are not subject to the Open Records Act, see V.T.C.S. art. 6252-17a, § 2(G), the municipal court clerk is required to perform "the duties prescribed by law for the county clerk of a county court at law." See Gov't Code § 30.326(a). Local Government Code section 191.006(a) provides:

All records belonging to the office of the county clerk shall be open to the public at all reasonable times. A member of the public

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may make a copy of any of the records.  
(Emphasis added.)

Consequently, citations on file with the municipal court are public records and must be released to the requester. You need not, however, release a list of names and addresses of all individuals who have received traffic tickets if such a list does not exist; neither the Local Government Code nor the Open Records Act requires that a governmental body prepare new information in response to an open records request. See Open Records Decision No. 445 (1986).

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 OR89-329.

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# 7631

cc: Mr. Ron Willhoite  
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