



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTOX
ATTORNEY GENERAL

November 10, 1989

Honorable James W. Woltz
Justice of the Peace
Galveston County, Precinct 8
634 South Friendswood Drive
Friendswood, Texas 77546

Dear Judge Woltz:

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# 7860; this decision is OR89-367.

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. Attorney General Opinion H-436 (1974). 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.

As Justice of the Peace for Galveston County, you inquire whether you must allow individuals to inspect the files of traffic citations filed in your court. Although records held by justices of the peace are not normally subject to the Open Records Act, the public nevertheless has a common-law right of access to those records. Open Records Decision No. 25 (1974) (enclosed). Consequently, you must allow public access to the traffic citations at all "reasonable times." See Gov't Code § 27.004(a); see also OR88-343 (1988) (enclosed). We also note that although some citations may have been issued to juveniles, these records must be released as well. See OR88-342 (1988) (enclosed).

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

Honorable Jim Woltz
November 10, 1989
Page 2

published open records decision. If you have questions about this ruling, please refer to OR89-367.

Yours very truly,

*Open Government Section
of the Opinion Committee*
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of the Opinion Committee
Approved by David A. Newton
Assistant Attorney General

DAN/RWP/le

Ref.: ID# 7860

Enclosures: ORD-25
ORD-342
OR88-343

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