



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTOX
ATTORNEY GENERAL

November 14, 1989

Mr. Jesus Toscano, Jr.
Assistant City Attorney
City of Dallas
City Hall
Dallas, Texas 75201

Dear Mr. Toscano:

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# 7702; this decision is OR89-371.

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.

We have considered the exceptions you claimed and reviewed the documents at issue. Your request for an open records decision falls within previous determinations of this office, Informal Open Records Decision Nos. OR88-064 and OR89-002, copies of which are enclosed. For this reason, you must release the requested information except as indicated in those decisions.

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 OR89-371.

Yours very truly,

*Open Government Section
of the Opinion Committee*

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of the Opinion Committee
Prepared by Jennifer S. Riggs
Chief, Open Government Section

JSR/le

Ref.: ID# 7702

Enclosure: OR88-064
OR89-002

cc: Todd Copilevitz
Dallas Morning News
Communications Center
Dallas, Texas 75265