THE ATTORNEY GENERAL
OF TEXAS

JIM MATTOX
ATTORNEY GENERAL

November 15, 1989

Honorable Evelyn Williams
Justice of the Peace, Harris County
Precinct 3, Position 2
701 West Baker Road
Baytown, Texas 77521

Dear Judge Williams:

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# 7973; this decision is OR89-380.

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 Harris 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) (copy enclosed).

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) (copy enclosed). This does not mean that you are required to disrupt the operation of your court in order to fulfill the request. This office is unable to issue specific guidelines as to how you should proceed in honoring the request, except to note that you must allow the requestor reasonable access to the citations.

We also note that although some citations may have been issued to juveniles, and juveniles records are not available generally, these records are public as well. See OR88-342 (1988) (copy 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 published open records decision. If you have questions about this ruling, please refer to OR89-380.

Yours very truly,

Open Government Section
of the Opinion Committee

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Approved by Jennifer S. Riggs
Chief, Open Government Section

JSR/RWP/le

Ref.: ID# 7973

Enclosures: ORD-25
OR88-342
OR88-343

cc: Ron Willhoite
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