



THE ATTORNEY GENERAL  
OF TEXAS

JIM MATTOX  
ATTORNEY GENERAL

November 21, 1989

Mr. Ernest A. Emerson  
State Fire Marshall  
State Board of Insurance  
1110 San Jacinto  
Austin, Texas 78701-1998

Dear Mr. Emerson:

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# 7713; this decision is OR89-390.

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 your claim regarding section 3(a)(8) and have reviewed the documents at issue. Your request falls squarely within the court's decision in Ex parte Pruitt, 551 S.W.2d 706 (Tex. 1977). Consequently, the report may be withheld.

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 OR89-390.

Yours very truly,

Open Government Section  
of the Opinion Committee

Open Government Section  
of the Opinion Committee

Prepared by Jennifer S. Riggs

Chief, Open Government Section

JSR/le

Mr. Ernest A. Emerson  
November 21, 1989  
Page 2

Ref.: ID# 7713

cc: Jeremy Morris  
Attorney at Law  
113 North Main  
P.O. Box 1143  
Corsicana, Texas 75110

Sonny May  
111 East 4th Avenue  
Corsicana, Texas 75110