



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTOX
ATTORNEY GENERAL

November 21, 1989

Mr. Don Karl
Administrator
Brewster Memorial Hospital
801 East Brown Street
Alpine, Texas 79830

Dear Mr. Karl:

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# 8054; this decision is OR89-397.

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.

The Brewster Memorial Hospital received an open records request for a copy of the hospital's bi-weekly payroll, which includes each employee's name, salary, and job description. This type of information is public and must be released. See Open Records Decision No. 14 (1974) (copy enclosed). Because the requestor seeks the bi-weekly payrolls specifically, these are the documents you must release.

Finally, there is no provision in the Open Records Act that would prevent you from allowing the requestor to make copies of the documents himself so long as the documents are not removed from the facility. See V.T.C.S. art. 6252-17a, § 5(a); Attorney General Opinion JM-757 (1987). You may not, however, require that he do so; providing copies of public documents is a responsibility of government that cannot be denied because of inconvenience. Industrial

Mr. Don Karl
November 21, 1989
Page 2

Found. of the South v. Texas Indus. Accident Bd., 540 S.W.2d 668 (Tex. 1976), cert. denied, 430 U.S. 930 (1977).

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 OR89-397.

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/le

Ref.: ID# 8054

Enclosure: ORD-14 (1974)

cc: Grant G. Conant
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