



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTOX
ATTORNEY GENERAL

November 21, 1989

Ms. Kelly M. Massad
Legal Counsel
Dallas/Fort Worth
International Airport
P.O. Drawer DFW
Dallas, Texas 75261

Dear Ms. Massad:

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# 7441; this decision is OR89-399.

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 Dallas/Fort Worth International Airport Board received an open records request for a copy of an existing contract between the board and Southwestern Laboratories for professional services involving soils and materials testing. You contend that certain financial information contained in the contract is protected from public disclosure by sections 3(a)(4) and 3(a)(10) of the Open Records Act. 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, Open Records Decision Nos. 514 (1988) and 232 (1979), copies of which are enclosed. See also V.T.C.S. art. 6252-17a, § 6(3). For this reason, you must release the requested contract. As a general rule, contracts that the board enters into are public records. See id.

Ms. Kelly M. Massad
November 21, 1989
Page 2

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 OR89-399.

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# 7441

Enclosure: ORD-232
ORD-514

cc: Mr. Terry L. Salazar
McGuire & Sechrest
Attorneys at Law
1201 Elm Street
5400 Renaissance Tower
Dallas, Texas 75270