



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTOX
ATTORNEY GENERAL

December 11, 1989

Mr. John F. Boyle
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Attorneys at Law
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Dallas, Texas 75201-4622

Dear Mr. Boyle:

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# 6868; this decision is OR89-424.

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 City of Grapevine received a request for copies of motor vehicle repair documents for "work done on a 1963 or any other year Chevrolet Corvette used by the Police Department in detective work as well as for parades and possibly other functions." You claim that section 3(a)(8) of the Open Records Act protects the requested information.

Section 3(a)(8) protects

records of law enforcement agencies and prosecutors that deal with the detection, investigation, and prosecution of crime and the internal records and notations of such law enforcement agencies and prosecutors which are maintained for internal use in

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matters relating to law enforcement and prosecution.

Information is excepted from disclosure by section 3(a)(8) if release of the information will unduly interfere with law enforcement and crime prevention. Ex parte Pruitt, 551 S.W.2d 706 (Tex. 1977).

A number of previous determinations of this office indicate that information in accounts, vouchers, or contracts that reveals specific police operations or specialized equipment directly related to the investigation of detection of crime may be edited and withheld under section 3(a)(8). See, e.g., Open Records Decision Nos. 211 (1978); 143 (1976). This does not mean that the amounts spent on general categories of equipment may be withheld or that the amounts spent on general equipment may be withheld. See Open Records Decision No. 164 (1977).

The information that you submitted for review does not consist of specialized crime prevention equipment. Apparently, as evidenced by the specificity of the request, certain members of the public are already aware that a particular make of vehicle is used for parades and possibly other police work. Moreover, the invoices and information at issue do not reveal police operations.

Finally, section 6(3) of the Open Records Act expressly makes public information about the expenditure of public funds. Although this section does not override the exceptions listed in section 3 of the act, it does heighten a governmental body's burden of showing why specific information is protected. Open Records Decision No. 514 (1988). The records must be released.

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 OR89-424.

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

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cc: Dan Balban
Reporter
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