



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTON
ATTORNEY GENERAL

December 29, 1989

Mr. Laurence E. Boyd
City Attorney
City of Angleton
P.O. Drawer L
Angleton, Texas 77515-1512

Dear Mr. Boyd:

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# 6340; this decision is OR89-428.

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 Angleton received an open records request for a copy of a settlement agreement of a sexual harassment complaint involving a city employee. We have considered the exceptions you claimed and reviewed the documents at issue. Previous determinations of this office have held that settlement agreements entered into by a governmental body are open records. Open Records Decision Nos. 245 (1980); 114 (1975). (Copies enclosed.) Also, nothing in the settlement agreement is highly intimate or embarrassing. Consequently, section 3(a)(2) does not allow you to withhold the information. See Hubert v. Harte-Hanks Texas Newspapers, 652 S.W.2d 546, 550 (Tex. App. - Austin 1983, writ ref'd n.r.e.). For this reason, you must release the requested information.

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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 OR89-428.

Yours very truly,
*Open Government Section
of the Opinion Committee*

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of the Opinion Committee
Prepared by David A. Newton
Assistant Attorney General

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Ref.: ID# 6340

Enclosure: ORD 114 (1974)
ORD 245 (1980)

cc: H. Carlton Bieri
901 Cannan Drive
Angleton, Texas 77515