



THE ATTORNEY GENERAL  
OF TEXAS

JIM MATTOX  
ATTORNEY GENERAL

December 14, 1989

Ms. Mary Ann Courter  
Assistant General Counsel  
Texas Department of Public Safety  
P.O. Box 4087  
Austin, Texas 78773-0001

Dear Ms. Courter:

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# 7921; this decision is OR89-429.

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 Texas Department of Public Safety (DPS) received a request for any information related to two specific individuals, any accident reports for a specific date that relate to a specific individual, and for the DPS radio log in Van Zandt County for a specific date. You indicate that DPS has no information responsive to the third item and that DPS has released the second item. You submit for review two memoranda written by your agents as responsive to the first item. You claim that section 3(a)(8) protects these reports from required disclosure.

We have considered the exception you claim, specifically section 3(a)(8), and reviewed the documents at issue. Your request for an open records decision falls within previous determinations of this office. For this reason, you may withhold 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 OR89-429.

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

Ref.: ID# 7921

cc: Lorraine Adams  
Staff Writer  
The Dallas Morning News  
Communications Center  
Dallas, Texas 75265