



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTON
ATTORNEY GENERAL

January 11, 1990

Mr. Richard Fulcher
Acting Executive Director
Texas Industrial Accident Board
200 East Riverside, 1st Floor
Austin, Texas 78701-1287

Dear Mr. Fulcher:

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# 6940; this decision is OR89-016.

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 Industrial Accident Board received an open records request for access to workers' compensation claims filed against companies owned by Lonnie "Bo" Pilgrim or any other information the board maintains concerning the number, nature, and outcome of claims against Mr. Pilgrim's companies. The board seeks to withhold the requested information from required public disclosure under section 3(a)(1) of the Open Records Act as information deemed confidential by law, specifically sections 9a(a), (b), and (n) of article 8307, V.T.C.S.

We have considered the exception you claimed and reviewed the documents you submitted. The information requested is protected from disclosure by the statutory provision you cite. See Attorney General Opinion MW-202 (1980). Please also refer to our previous correspondence to your office on a similar request, OR88-212 (1988) (copy

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enclosed). For this reason, you may withhold the requested information.

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 OR90-016.

Yours very truly,

*Open Government Section
of the Opinion Committee*



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

DAN/le

Ref.: ID# 6940
ID# 7876

Enclosure: OR88-212

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