



THE ATTORNEY GENERAL
OF TEXAS

JUNI SLATTON
ATTORNEY GENERAL

June 14, 1990

Mr. Kenneth D. DeHart
City Attorney
City of Alpine
309 W. Avenue D
Alpine, Texas 79830

OR90-234

Dear Mr. DeHart:

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# 8685.

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. 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.

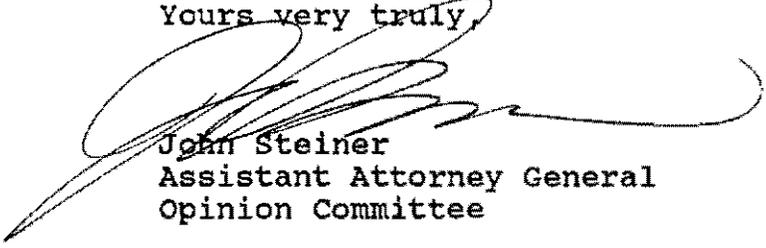
We have considered the exceptions you claimed, specifically sections 3(a)(1) and 3(a)(3), and have reviewed the documents at issue. You do not indicate that litigation is anticipated with respect to this subject matter. For this reason, section 3(a)(3) may not serve as a basis for you to withhold the requested information.

The information in question consists, in part, of offense reports of the type that have been held available to the public. See Houston Chronicle Publishing Co. v. City of Houston, 531 S.W.2d 177 (Tex. Civ. App. - Houston [14th Dist.] 1975), writ ref'd n.r.e. per curiam, 536 S.W.2d 559 (Tex. 1976). The offense reports must be released. However, the "supplementary reports" identify juveniles or give information that could lead to the identification of juveniles and must be withheld under section 3(a)(1) of the Open Records Act and section 51.14 of the Family Code. See Open Records Decision No. 181 (1977), copy enclosed.

No basis has been asserted for withholding the damage appraisal.

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 OR90-234.

Yours very truly,



John Steiner
Assistant Attorney General
Opinion Committee

JS/le

Ref.: ID# 8685, 9599

Enclosure: Open Records Decision No. 181

cc: Karen Quick
205 N. 10th
Alpine, Texas 79830