



THE ATTORNEY GENERAL
OF TEXAS

JIM HATTOX
ATTORNEY GENERAL

June 14, 1990

Mr. W. Kent Johnson
Director, Legal Services
Texas Department of Mental
Health and Mental Retardation
P.O. Box 12668
Austin, Texas 78711-2668

OR90-236

Dear Mr. Johnson:

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# 9012.

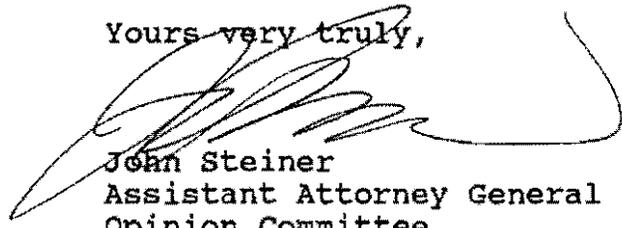
Under the Open Records Act, all information held by governmental bodies is open unless it falls within one of the act's specific exceptions to disclosure. The act places on the custodian of records the burden of proving that records are excepted from public disclosure. Attorney General Opinion H-436 (1974). 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 that this office raise and consider exceptions that you have not raised.

We have considered your request and have reviewed the documents at issue. A governmental body cannot make information confidential by contract or agreement. See Attorney General Opinion JM-672 (1987). You raise no exceptions under section 3(a) of the Open Records Act. For this reason, you must release 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 OR90-236.

Yours very truly,

A handwritten signature in black ink, appearing to read 'John Steiner', is written over the typed name and title.

John Steiner
Assistant Attorney General
Opinion Committee

JS/le

Ref.: ID# 9012

Enclosures: Documents Submitted

cc: June Robertson
Executive Secretary
State Committee of Examiners for
Speech-Language Pathology and Audiology
1100 West 49th Street
Austin, Texas 78756-3183