

October 4, 1994, we asked you for copies of the records at issue and the reasons you believe the requested information is excepted from disclosure. To date, we have not received the requested copies of the records or your arguments for withholding the information.

The Open Records Act places on the custodian of public records the burden of establishing that records are excepted from public disclosure. Attorney General Opinion H-436 (1974). Your request for an open records decision remains incomplete. Without the information requested from you, this office is unable to evaluate the exceptions you raised. Consequently, we find that you have not met your burden under sections 552.301 - .303 of the act. The discretionary exceptions to disclosure have been waived and the information is presumed to be public.

In the absence of a demonstration that the information is confidential by law or that other compelling reasons exist as to why the information should not be made public, you must release the information.¹ See also Gov't Code § 552.352 (the distribution of confidential information is a criminal offense). If you have any questions regarding this matter, please contact our office.

Yours very truly,


Rebecca L. Payne
Section Chief
Open Government Section

RLP/sbm

Ref.: ID# 29074

¹For instance, your request letter raised section 552.117 of the Government Code as protecting "certain addresses, telephone numbers, and social security numbers" contained within the requested information. Section 552.117(1)(A) makes confidential the home address and home telephone number of a former or current public employee if such person has chosen to keep this information confidential in accordance with section 552.024 of the code. See Open Records Decision No. 530 (1989) (for purposes of the pending request for records, the public employee must have exercised this option by submitting the written statement to the governmental body before the governmental body received the pending request for records). See also Open Records Decision No. 622 (1994) (section 552.117(1)(A) also protects former home addresses and home telephone numbers of public employees; federal law makes confidential certain social security numbers). Releasing confidential information is a criminal offense. Because you have failed to provide us with copies of the records at issue and your arguments as to why and how the section 552.117 exception applies, we are unable to provide you with a ruling recognizing your authority to withhold such information.

cc: Ms. Rose G. Reyna
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