



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 6, 1995

Ms. Karen L. Horner
Assistant City Attorney
City of Baytown
P.O. Box 424
Baytown, Texas 77522-0424

OR95-1363

Dear Ms. Horner:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 36190.

The Baytown Police Department (the "department") received an open records request for "the Baytown Calls for Service that are filled out by the Dispatch Division regarding automobile accidents" for certain dates. You state that you are "hesitant" to provide the requested information because you fear that the information will be used to circumvent the recently enacted House Bill 391. *See Act of May 27, 1995, 74th Leg., R.S., ch. 894, 1995, Texas Sess. Law Serv. 4413 (to be codified as an amendment to article 6701d, § 47, V.T.C.S.)*. Please note that section 552.222 of the Government Code prohibits the inquiry by the governmental body into the motives of the person applying for inspection or copying of records, and requires the governmental body to treat each request uniformly. *See Open Records Decision No. 542 (1990)*. Consequently, the requestor's motives for obtaining the requested records are not relevant to an analysis as to whether the records are subject to required public disclosure.

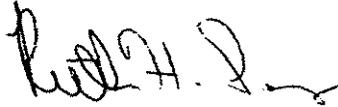
Under the Open Records Act, all information held by governmental bodies is open unless it falls within one of the act's specific exceptions to disclosure. The act places on the custodian of records the burden of proving that records are excepted from public disclosure. Attorney General Opinion H-436 (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)*.

You have not raised any of the act's exceptions to required public disclosure with regard to the information. We therefore conclude that you have not met your burden in

demonstrating that the information at issue may be withheld from the public. Consequently, the department must release the requested information at this time.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/RWP/ch

Ref.: ID# 36190

Enclosures: Submitted documents

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