



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 21, 1995

Mr. Bill Weinacht
Reeves County Attorney
P.O. Box 749
Pecos, Texas 79772

OR95-1589

Dear Mr. Weinacht:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, Government Code chapter 552. We assigned your request ID# 31782.

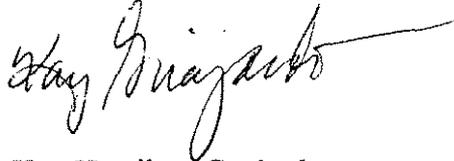
Reeves County (the "county"), through its sheriff and the warden of the Reeves County Law Enforcement Center, has received a request for information relating to "the Reeves County Law Enforcement Center's failure to comply with any Bureau of Prison (BOP) regulations." Specifically, the requestor seeks "all findings, repeat findings, monitorings, communications: (1) from BOP to your institution and communications; (2) from you to BOP and; (3) communications between the Sheriff, Warden and any employee or agent of Reeves County concerning said findings, repeat findings, monitorings or communications . . . [from] October 23, 1993 through January 31, 1995, inclusive." You have submitted the requested information to us for review and claim that sections 552.101, 552.102, 552.103, 552.104, 552.109, and 552.111 of the Government Code except the requested information from required public disclosure.

We note at the outset that you are responsible for submitting in writing the reasons you believe the requested information is excepted from disclosure. Under the Open Records Act, all information held by governmental bodies is open to the public unless it is within a specific exception to disclosure. The custodian of records has the burden of proving that records are excepted from public disclosure. Attorney General Opinion H-436 (1974). If a governmental body does not claim an exception or fails to show how it applies to the records, it will ordinarily waive the exception unless the information is deemed confidential by law. *See* Attorney General Opinion JM-672 (1987).

On February 27, 1995, we asked you for copies of the requested information and your arguments as to why the information was excepted from disclosure. Although we received the requested copies and some additional comments from yourself, the county sheriff, and the warden of the enforcement center, none of you have adequately explained how the exceptions you raised apply to the requested information. We therefore find that you have failed to meet your burden of proving that the requested records are excepted from public disclosure. Accordingly, the county must release the requested information in its entirety unless the information is deemed confidential by law.

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 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay Hamilton Guajardo
Assistant Attorney General
Open Records Division

KHG/GCK/RWP/rho

Ref: ID# 31782

Enclosures: Submitted documents

cc: Mr. Ori T. White
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(w/o enclosures)