



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

May 28, 1998

Mr. Lonnie C. Hobbs  
Hirsch, Stroder & Hobbs, L.L.P.  
6010 Highway 191, Suite 230  
Odessa, Texas 79762

OR98-1329

Dear Mr. Hobbs:

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# 115903.

The Grandfalls-Royalty Independent School District (the "district"), which you represent, received an open records request from a district employee for "documentation" of certain meetings she attended with a certain other district employee. You have submitted to this office as responsive to the request handwritten notes taken at the meetings in question. Although you asserted in your original correspondence to this office that the requested notes "are privileged and therefore exempted from the Open Records Act," you did not at that time raise any of the act's exceptions 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 within ten business days of receiving the open records request, the exception is ordinarily waived unless the information is deemed confidential under the act. Gov't Code § 552.301(a), 552.302; *see* Attorney General Opinion JM-672 (1987). The act does not require that this office raise and consider exceptions that you have not raised.

Because you raised none of the act's exceptions with regard to the requested documents within ten business days as required by section 552.301(a) of the Government Code, we conclude that the requested records are presumed to be public and therefore must be released to the requestor in their entirety. *See* Gov't Code § 552.302.

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,



Vickie Prehoditch  
Assistant Attorney General  
Open Records Division

VDP/RWP/gle

Ref: ID# 115903

Enclosures: Submitted documents

cc: Ms. Bridgett Loffler