



**THE ATTORNEY GENERAL  
OF TEXAS**

**JIM MATTOX  
ATTORNEY GENERAL**

April 12, 1989

Mr. Lollis C. Irby  
County Clerk  
Camp County Courthouse  
Pittsburg, Texas 75686

Dear Mr. Irby:

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# 5881; this decision is OR89-112.

Under the Open Records Act, all information held by governmental bodies is open unless the information 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. 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 this office to raise and consider exceptions that you have not raised.

You indicate that the Camp County Commissioners Court solicited applications for appointment as County Treasurer. You ask whether the applications are public and/or whether the County Judge may review the applications. You note the commissioners court reviewed the applications in executive session. Information is not closed simply because it is discussed in executive session. See Open Records Decision No. 485 (1987).

As a general rule, applications for public employment or appointment are public records. See Open Records Decision No. 455 (1987). We have reviewed the blank application form that you submitted for review. The only type of information that conceivably could be withheld appears on page 3. If an applicant fills in the blanks for physical condition, defects, injuries, etc., this information might meet the privacy test articulated in Open Records

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Decision No. 455. If you have questions about these categories of information on specific applications, please submit copies of the applications for review. The remainder of the application is a public record.

For this reason, we need not address your question regarding the County Judge, except to note that his right of access to county information is not necessarily governed by or limited to the Open Records Act. See Attorney General Opinion JM-119 (1983).

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 OR89-112.

Yours very truly,

*Open Government Section*  
*of the Opinion Committee*

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of the Opinion Committee  
Prepared by Jennifer S. Riggs  
Chief, Open Government Section

JSR/bc

Ref.: ID# 5881

Enclosures: ORD-455  
JM-119