



**THE ATTORNEY GENERAL  
OF TEXAS**

**JIM MATTOX  
ATTORNEY GENERAL**

April 19, 1989

Mr. Joe Langford  
Administrator  
Hood General Hospital  
1310 Paluxy Road  
Granbury, Texas 76048

Dear Mr. Langford:

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# 6051; this decision is OR89-127.

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 do not claim that any of the act's exceptions protect the survey of attitudes towards hospitals prepared by KCA Research, Inc., for the Hood General Hospital. You suggest only that its release might harm the hospital's competitive position. Because you claim no specific exceptions, the report is presumed public.

Moreover, section 6(1) of article 6252-17a, expressly provides that all reports made for governmental bodies are public. Although this provision does not override the section 3 exceptions, it makes it less likely that they will apply. See Open Records Decision No. 514 (1988).

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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 OR89-127.

Yours very truly,

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

JSR/bc

Ref.: ID# 6051