



**THE ATTORNEY GENERAL  
OF TEXAS**

**JIM MATTOX  
ATTORNEY GENERAL**

April 19, 1989

Mr. Eddie Derr  
Superintendent  
Trenton Independent School District  
P. O. Box 5  
Trenton, Texas 75490

Dear Mr. Derr:

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# 5952; this decision is OR89-128.

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.

The Trenton Independent School District received a request for the school district's phone bills. You suggest that releasing these bills might constitute an invasion of privacy, might relate to litigation, might violate the prohibition on release of student records, and might violate various other unspecified theories of confidentiality. All of your arguments, however, relate to tracing calls to specific individuals on whose behalf the calls were made or to the substance of the calls. Additionally, the school district's telephone records are not education records subject to section 14(e) of the Open Records Act. Releasing the telephone bills does not release the substance of the telephone calls.

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Further, the information relates to the expenditure of public funds. Section 6(3) of the Open Records Act, by designating the expenditure of public funds as public information, does not override the section 3 exceptions to disclosure. Section 6(3), however, makes it less likely the exceptions will apply. See Open Records Decision No. 514 (1988). The information at issue is public and must be released.

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 OR89-128.

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# 5952