



**THE ATTORNEY GENERAL  
OF TEXAS**

**JIM MATTOX  
ATTORNEY GENERAL**

July 11, 1989

Mr. David M. McCurdy  
Corporal  
Communications Supervisor  
Police Department  
City of Grapevine, Texas  
P. O. Box 729  
Grapevine, Texas 76051

Dear Mr. McCurdy:

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# 6848; this decision is OR89-200.

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 Grapevine Police Department (GPD) received an open records request from an individual for "copies of my case" held by the GPD. Although you submitted a copy of your records concerning the requestor's arrest for public mischief, you raise none of the exceptions to required public disclosure listed in section 3(a) of the Open Records Act. Because the requested information contains no information deemed confidential by law, you have waived the right to withhold this information from the requestor. All of these records should be released without delay.

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

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published open records decision. If you have questions about this ruling, please refer to OR89-200.

Yours very truly,

*Open Government Section*  
*of the Opinion Committee*

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

JSR/RWP/bc

Ref.: ID# 6848  
ID# 6698

cc: Benjamin Newman  
1100 N. Labrea Blvd.  
Inglewood, CA 90301