



**THE ATTORNEY GENERAL
OF TEXAS**

**JIM MATTOX
ATTORNEY GENERAL**

August 15, 1989

Mr. Gary W. Smith
City Attorney
Texarkana, Texas
P. O. Box 1967
Texarkana, Texas 75504

Dear Mr. Smith:

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# 7080; this decision is OR89-248.

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 City of Texarkana received an open records request for medical records generated by the city's ambulance service. You contend that the records are confidential pursuant to article 4495b, V.T.C.S.

Open Records Decision No. 370 (1983), which held that most records generated by emergency medical service personnel are public information with certain limited exceptions, governs the public availability of the records being requested. These records are public and should be released without delay.

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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 OR89-248.

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# 7080

cc: Mr. C. Hamilton Huckleberry (with ORD-370)
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Enclosure: ORD-370