



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTOX
ATTORNEY GENERAL

November 15, 1989

Ms. Polly P. Lewis
Gregg, Mieszkuc & Pollard
Attorneys at Law
17044 El Camino Real
Clear Lake City
Houston, Texas 77058

Dear Ms. Lewis:

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# 7934; this decision is OR89-377.

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. Attorney General Opinion H-436 (1974). 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 Seabrook received an open records request for access to traffic citations held by the Seabrook Municipal Court. This office has previously held that municipal courts must honor such requests. See OR89-329 (1989) (copy enclosed). Driving histories that the city receives from the Texas Department of Safety are public records. See OR89-185 (1989) (copy enclosed).

Finally, this office is unable to resolve or dictate what the city may charge the requestor for copies of the citations. We note, however, that section 9(f) of the Open Records Act provides:

The charges for copies made by the various
municipal court clerks of the various cities

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and towns of this state shall be as otherwise provided by ordinance.

As a general rule, however, no governmental body may charge more than the actual cost of reproducing public records unless a fee is expressly authorized by law.

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 OR89-377.

Yours very truly,

Open Government Section
of the Opinion Committee

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

JSR/RWP/le

Ref.: ID# 7934

Enclosure: OR89-329
OR89-185

cc: Mr. Ron Willhoite
Vice President
Affiliated Driving Schools
10929 Almeda Genoa
Houston, Texas 77034