



**THE ATTORNEY GENERAL  
OF TEXAS**

**JIM MATTOX  
ATTORNEY GENERAL**

November 15, 1989

Honorable David M. Patronella  
Justice of the Peace, Harris County  
Precinct 1  
301 San Jacinto  
Houston, Texas 77002

Dear Judge Patronella:

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# 8045; this decision is OR89-381.

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.

As Justice of the Peace for Harris County, you inquire whether you must allow individuals to inspect the files of traffic citations filed in your court. Although records held by justices of the peace are not normally subject to the Open Records Act, the public nevertheless has a common-law right of access to those records. Open Records Decision No. 25 (1974) (copy enclosed).

You must allow public access to the traffic citations at all "reasonable times." See Gov't Code § 27.004(a); see also OR88-343 (1988) (copy enclosed). This does not mean that you are required to disrupt the operation of your court in order to fulfill the request. This office is unable to issue specific guidelines as to how you should proceed in honoring the request, except to note that you must allow the requestor reasonable access to the citations.

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We also note that although some citations may have been issued to juveniles, and juveniles records are not available generally, these records are public as well. See OR88-342 (1988) (copy enclosed).

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 OR89-381.

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/le

Ref.: ID# 8045

Enclosures: ORD-25  
OR88-342  
OR88-343

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