



THE ATTORNEY GENERAL  
OF TEXAS

JIM BLATTOX  
ATTORNEY GENERAL

December 29, 1989

Mr. Robert E. Luna  
Law Offices of Earl Luna, P.C.  
4411 Central Building  
4411 N. Central Expressway  
Dallas, Texas 75205

Dear Mr. Luna:

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# 7740; this decision is OR89-427.

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 Plano Independent School District received an open records request for information relating to the district's placing a high school coach on administrative leave, including statements by students, personnel information, investigation reports and memoranda.

We have considered the exceptions you claimed and reviewed the documents at issue. Your request for an open records decision falls within previous determinations of this office, Open Records Decision Nos. 470 (1987); 332 (1982), copies of which are enclosed. For this reason, you must withhold the requested information under section 3(a)(14) of the act. Attachment "C" is not protected by any of the exceptions you raise. It must be released.

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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 OR89-427.

Yours very truly,

*Open Government Section  
of the Opinion Committee* DN

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of the Opinion Committee  
Prepared by David A. Newton  
Assistant Attorney General

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Ref.: ID# 7740

Enclosure: ORD-470  
ORD-332

cc: Curtis Howell  
801 E. Plano Parkway  
Plano, Texas 75074