



THE ATTORNEY GENERAL
OF TEXAS

JIM HATTON
ATTORNEY GENERAL

December 27, 1989

Mr. Albert L. Rodriguez
Attorney at Law
503 Main Street, Suite 101
San Antonio, Texas 78204

Dear Mr. Rodriguez:

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# 7930; this decision is OR89-431.

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 Hondo (the city) received an open records request for information relating to inducements offered to the Texas Department of Corrections (TDC) to locate a prison in the city. You contend that section 3(a)(4) of the Open Records Act protects the requested information from required public disclosure. We have considered the exception you claimed and reviewed the documents at issue. Your request for an open records decision falls within a previous determination of this office, Open Records Decision No. 184 (1978), a copy of which is enclosed. TDC has announced the cities that submitted winning proposals. For this reason, you must release the requested information.

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 OR89-431.

Yours very truly,

***Open Government Section
of the Opinion Committee***
Open Government Section
of the Opinion Committee
Approved by Susan Garrison *S.G.*
Chief, Open Government Section

SG/RWP/le

Ref.: ID# 7930
ID# 7886
ID# 8048

cc: Mr. William White
508 Avenue M
Hondo, Texas 78861