

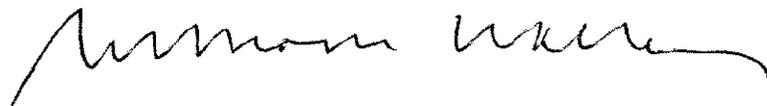


The Open Records Act places on the custodian of public records the burden of establishing that records are excepted from public disclosure. Attorney General Opinion H-436 (1974). Without the information we requested of you, your request for an open records decision remains incomplete.

Consequently, this office cannot consider your claims with regard sections 3(a)(8) and 3(a)(11). Should you at some future date request that this matter be reopened and considered, we will not consider your request timely, and will consider these discretionary exceptions to required public disclosure as waived unless you can demonstrate compelling reasons why the information should not be released. *Hancock, supra*. In the absence of such a compelling demonstration, we find that you have not met your burden under the heightened presumption of openness with regard to these exceptions. This office also lacks the necessary information to evaluate your claims under sections 3(a)(1) and 3(a)(2).

Accordingly, we are closing the file without a finding. The person requesting the information in your custody may pursue such remedies as may be appropriate. *See, e.g., V.T.C.S., art. 6252-17a, § 8.* While we cannot direct you to disclose information that is confidential under the law, neither can we provide you with an opinion upon which you can rely as an affirmative defense to prosecution under section 10(c)(1) of the Open Records Act. If you have any questions regarding this matter, please refer to OR92-666.

Yours very truly,



William Walker  
Assistant Attorney General  
Opinion Committee

WW/RWP/lmm

Ref.: ID# 17772  
ID# 17816

cc: Ms. Jade Boyd  
Reporter  
Bryan-College Station Eagle  
P. O. Box 3000  
Bryan, Texas 77805