



THE ATTORNEY GENERAL  
OF TEXAS

JIM MATTOX  
ATTORNEY GENERAL

September 21, 1990

Mr. John T. Hoeft  
General Counsel  
Dallas Area Rapid Transit  
601 Pacific Avenue  
Dallas, Texas 75202

OR90-455

Dear Mr. Hoeft:

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# 10277.

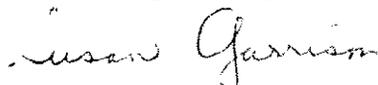
Dallas Area Rapid Transit (DART) received several open records requests for documents relative to a former employee's grievance and her appeal of her termination of employment. You state that the DART appeal procedure provides for the "discovery" of documents held by DART and a hearing before a "trial board" that "takes notice of the Texas Rules of Court."

This office agrees that under these circumstances the requested information comes under the protection of section 3(a)(3) of the Open Records Act as "information relating to litigation." See Open Records Decision No. 551 (1990); see also Open Records Decision No. 301 (1982) (section 3(a)(3) applies in context of quasi-judicial procedures). The purpose of section 3(a)(3) is to prevent the circumvention of discovery rules. Open Records Decision No. 108 (1975). Consequently, DART may withhold the requested documents until such time as they are appropriately requested during the discovery process of the appeal procedure.

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 OR90-455.

Yours very truly,



Susan Garrison  
Assistant Attorney General  
Opinion Committee

SG/RWP/le

Ref.: ID# 10277  
ID# 10324  
ID# 10520  
ID# 10630

Enclosures: Submitted documents

cc: Robert C. Prather  
Jordan, Dunlap & Prather  
Preston Commons East, Suite 500  
8115 Preston Road  
Dallas, Texas 75225