



THE ATTORNEY GENERAL  
OF TEXAS

JIM MATTOX  
ATTORNEY GENERAL

November 20, 1990

Mr. Joe H. Staley, Jr.  
General Counsel  
Texas Turnpike Authority  
2200 Ross Avenue, Suite 2200  
Dallas, Texas 75201-6776

OR90-544

Dear Mr. Staley:

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# 8544.

We have considered the exception you claimed, specifically 3(a)(3), the litigation exception, and have reviewed the documents at issue. A previous determination of this office, Open Records Decision No. 551 (1990), a copy of which is enclosed, resolves your request. For this reason, you may withhold the requested information. However, when this information becomes available to all of the parties to the litigation, through discovery or court order, the protection from required disclosure afforded by section 3(a)(3) will no longer be justified, and you must release the information. Having resolved your request based on section 3(a)(3), we need not address the other exceptions you raised.

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 OR90-544.

Yours very truly,

Kay H. Guajardo  
Assistant Attorney General  
Opinion Committee

KHG/le  
Ref.: ID# 8544  
Enclosure: Open Records Decision No. 551  
cc: Mark Potok  
Times Herald Staff Writer  
1101 Pacific  
Dallas, Texas 75202