



DAN MORALES  
ATTORNEY GENERAL

Office of the Attorney General  
State of Texas

March 4, 1991

Ms. Viviana S. Patiño  
Assistant Attorney General  
Office of the Attorney General  
6090 Surety Drive, Suite 260  
El Paso, Texas 79905-2060

OR91-120

Dear Ms. Patiño:

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# 11679.

The Texas Attorney General's El Paso Consumer Protection Office received an open records request for its file on a complaint filed against U.S. Home Corporation. You indicate that you have released the entire file to the requestor except for five handwritten documents that you contend are exempt from public disclosure as "work product."

Your request is governed by Open Records Decision No. 574 (1990) (copy enclosed). In the context of open records requests, the work product doctrine merely represents one aspect of section 3(a)(3) of the Open Records Act: the work product may be withheld only if it "relates" to pending or reasonably anticipated litigation to which the governmental entity is or may be a party. You have made clear to this office that the requested information does not relate to any litigation involving the attorney general; the five documents must therefore be released.

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 OR91-120.

Yours very truly,

A handwritten signature in cursive script that reads "Celeste Baker".

Celeste Baker  
Assistant Attorney General  
Opinion Committee

Ms. Viviana S. Patiño - Page 2 (OR91-120)

CAB/RWP/lcd

Ref.: ID# 11679

Enclosures: Open Records Decision No. 574

cc: Mr. Tony R. Conde, Jr.  
Attorney  
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