



Office of the Attorney General
State of Texas

September 18, 1991

DAN MORALES
ATTORNEY GENERAL

Mr Gary F. Chatham
City Attorney
City of Plano
P. O. Box 860358
Plano, Texas 75086-0358

OR91-418

Dear Mr. Chatham:

On behalf of the City of Plano, 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# 13102.

The City of Plano received an open records request from Travis Industrial Painters, Inc. requesting a copy of the city's daily construction reports for the Southeast Industrial Elevated Storage Tank Project and the daily diary of the inspector. You have informed this office that the inspector did not keep a daily diary. With respect to the daily construction reports, you contend that these documents come within the protection of section 3(a)(3) of the Open Records Act.

To secure the protection of section 3(a)(3), a governmental body must demonstrate that the requested information relates to pending or reasonably anticipated litigation. Open Records Decision No. 551 (1990). The City has demonstrated that litigation with respect to this construction project is reasonably anticipated and that the requested information relates to that potential litigation. Therefore, we conclude that you may withhold the requested information pursuant to section 3(a)(3).

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 OR91-418.

Yours very truly,

A handwritten signature in cursive script that reads "Mary R. Crouter".

Mary R. Crouter
Assistant Attorney General
Opinion Committee

MRC/mc

Ref: ID# 13102

ID# 13256

ID# 13279

Enclosure: Submitted documents

cc: Mr. William B. Travis
President
Travis Industrial Painters, Inc.
3400 Nacogdoches Road
San Antonio, Texas 78217