



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

September 14, 1995

Ms. Sharon Y. Lowe  
Staff Attorney  
Intergovernmental Programs Division  
General Services Commission  
P.O. Box 13047  
Austin, Texas 78711-3047

OR95-936

Dear Ms. Lowe:

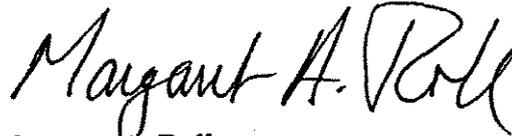
The General Services Commission received an open records request for certain records relating to the State of Texas Energy Efficient Air Conditioner Program. You requested a ruling from this office regarding these records and argued, in part, that section 552.103 of the Government Code excepted them from required public disclosure. In Open Records Letter No. 94-303 (1994), this office concluded, among other things, that section 552.103 did not except the records from disclosure. You now request a reconsideration of this ruling. We have assigned your request for reconsideration ID# 27653.

This office concluded that section 552.103 did not except from disclosure the information you submitted for review because we had no concrete evidence that litigation was reasonably anticipated. You have not provided us with any additional evidence in your request for a reconsideration. Rather, you argue that the only reason the attorney who is making this request would want the information requested is to prepare for litigation against the General Services Commission. However, we continue to maintain that you may not use the identity of a requestor or the nature of the request to establish that litigation is reasonably anticipated. The Open Records Act prohibits a governmental body from inquiring into the motives of a person seeking information under the Open Records Act. Open Records Decision No. 508 (1988) at 2. We do not believe that the Open Records Act permits a governmental body to speculate about the motives of the requestor based on the request and use these speculations to establish that litigation is reasonably anticipated.

For these reasons, our conclusion in Open Records Letter No. 94-303 stands. The General Services Commission may not withhold any of the requested information under section 552.103.

If you have any questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink that reads "Margaret A. Roll". The signature is written in a cursive, flowing style.

Margaret A. Roll  
Assistant Attorney General  
Open Government Section

MAR/rho

Ref.: ID# 27653

cc: Mr. William F. Striebe, Jr.  
Vice President-Counsel  
United Technologies Carrier Corporation  
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Syracuse, New York 13221