



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

September 21, 1995

Ms. Helen M. Gros  
Senior Assistant City Attorney  
City of Houston  
Legal Department  
P.O. Box 1562  
Houston, Texas 77251-1562

OR95-964

Dear Ms. Gros:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 26945.

The City of Houston received an open records request for information that you contend may be withheld from the public pursuant to the Open Records Act, section 552.103(a) of the Government Code. To secure the protection of section 552.103(a), a governmental body must demonstrate that requested information "relates" to a pending or reasonably anticipated judicial or quasi-judicial proceeding. Open Records Decision No. 588 (1991). In this instance you have made the requisite showing that the requested information relates to reasonably anticipated litigation for purposes of section 552.103(a). See Open Records Decision No. 416 (1984). The requested records may therefore be withheld.<sup>1</sup>

We note that if the opposing parties in the anticipated litigation have seen or had access to any of the information in these records, there would be no justification for now withholding that information from the requestor pursuant to section 552.103(a).

---

<sup>1</sup>We believe, however, that if litigation is not pending by December 20, 1995, section 552.103 no longer applies to the requested information, as the statute of limitations on this cause of action will have run. See Civ. Prac. & Rem. Code § 16.003(a); Open Records Decision No. 183 (1978).

Open Records Decision Nos. 349(1982), 320 (1982). In addition, the applicability of section 552.103(a) ends once the litigation has been concluded. Attorney General Opinion MW-575 (1982); Open Records Decision No. 350 (1982).

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay H. Guajardo  
Assistant Attorney General  
Open Records Division

KHG/rho

Ref: ID# 26945

Enclosures: Submitted documents

cc: Mr. Roger L. Merrill  
Owsley & Associates  
1360 Post Oak Boulevard, Suite 2140  
Houston, Texas 77056  
(w/o enclosures)