



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

November 17, 1995

Ms. Helen K. Bright  
Attorney  
Office of General Counsel  
The University of Texas System  
201 West Seventh Street  
Austin, Texas 78701-2981

OR95-1257

Dear Ms. Bright:

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# 36662.

The University of Texas Health Science Center at 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 and pending litigation for purposes of section 552.103(a). The requested records may therefore be withheld.

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). 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).<sup>1</sup>

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<sup>1</sup>You also assert that portions of the requested information are exempted from required public disclosure based on sections 552.101, 552.102, 552.107, and 552.111 of the Government Code. Having concluded that you may withhold the requested information based on section 552.103, we need not address these other claims at this time.

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# 36662

Enclosures: Submitted documents

cc: Ms. Darlene Hottman  
University of Texas - Mental Sciences Institute  
Division of Child and Adolescent Psychiatry  
1300 Moursant, Suite 180  
Houston, Texas 77030  
(w/o enclosures)