



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 21, 1995

Ms. Lan P. Nguyen
Assistant City Attorney
City of Houston
P.O. Box 1562
Houston, Texas 77251-1562

OR95-1262

Dear Ms. Nguyen:

You have asked 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# 29124.

The City of Houston (the "city") received a request for "all documents detailing and relating to any and all investigations by the Public Integrity Group of the City of Houston's building inspections department and electrical inspections department."¹ You indicate that two separate investigations were conducted and given the designations PIRG file Nos. 93-0051 and 93-0079. This office has been informed that documents in PIRG file No. 93-0051 have already been released to the requestors. However, documents in file No. 93-0079, which also are responsive to the request, are still at issue. You contend that these documents are excepted from disclosure pursuant to section 552.103 (a).

To show the applicability of section 552.103(a), a governmental entity must show that (1) litigation is pending or reasonably anticipated and (2) the information at issue is related to that litigation. *Heard v. Houston Post Co.*, 684 S.W.2d 210, 212 (Tex. App.--Houston [1st Dist.] 1984, writ ref'd n.r.e.); Open Records Decision No. 551 (1990) at 4. You provided information to this office showing that criminal litigation is pending. Our review of the documents at issue shows that they are related to the pending litigation.

The documents in file No. 93-0079 may therefore be withheld from disclosure, except for information generally found on the first page of an offense report. See Open Records Decision No. 597 (1991) (basic offense report information not excepted from disclosure under section 552.103). First page offense report information must be disclosed.

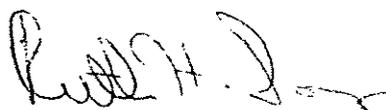
¹The city apparently also received a second request for this same information, but a copy of that request was not sent to this office.

Houston Chronicle Publishing Co. v. City of Houston, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976).

We also assume that the opposing party to the litigation has not previously had access to the other records at issue. Absent special circumstances, once information has been obtained by all parties to the litigation, through discovery or otherwise, no section 552.103(a) interest exists with respect to that information. Open Records Decision No. 349 (1982) at 2. The applicability of section 552.103(a) also generally ends once the litigation has concluded.² Attorney General Opinion MW-575 (1982); Open Records Decision No. 350 (1982) at 3.

We are resolving this matter with an 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,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/rho

Ref.: ID# 29124

Enclosures: Submitted documents

cc: Mr. Tom A. Dickens
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²We note, however, that some of this information may be confidential and thus may not be disclosed even after litigation has concluded.