



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 18, 1995

Ms. Tracy B. Calabrese
Assistant City Attorney
City of Houston
Legal Department
P.O. Box 1562
Houston, Texas 77251-1562

OR95-1443

Dear Ms. Calabrese:

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# 31947.

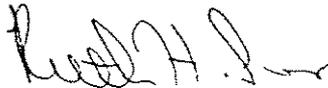
The City of Houston (the "city") received a request for all information maintained or created by the city regarding a named former employee. You have released some of the requested information, but contend that the remaining information is excepted from disclosure under section 552.103 of the Government Code.

Section 552.103(a) provides an exception for information relating to litigation to which the governmental body is a party. Open Records Decision No. 551 (1990). You have told this office that the city is a party to pending litigation with the former employee. The correspondence you submitted to this office indicates the subject of the litigation concerns the employee's allegations of defamation. Our review of the information at issue shows that it is related to the pending litigation. Therefore, you may withhold the information at issue pursuant to section 552.103(a).

In making this determination, we assume that the opposing party in the pending litigation has not had access to the information 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 ends once the litigation has been concluded. 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 should not be relied upon as a previous determination 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/ch

Ref.: ID# 31947

Enclosures: Submitted documents

cc: Mr. David A. Livingston
Livingston & Markle, P.C.
55 Waugh Drive
Suite 1200
Houston, Texas 77007
(w/o enclosures)