



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

December 20, 1995

Mr. Eric M. Shepperd  
Assistant County Attorney  
County of Travis  
P.O. Box 1748  
Austin, Texas 78767

OR95-1503

Dear Mr. Shepperd:

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# 34404.

The County of Travis (the "county") received an open records request for certain records that you contend may be withheld from the public pursuant to section 552.103(a) of the Open Records Act. 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. 551 (1990). In this instance you have made the requisite showing that the requested information relates to pending litigation for purposes of section 552.103(a); the requested records may, therefore, be withheld.<sup>1</sup>

In reaching this conclusion, however, we assume that the opposing party to the litigation has not previously had access to the records at issue; absent special circumstances, once information has been obtained by all parties to the litigation, for example, through discovery or otherwise, no section 552.103(a) interest exists with respect to that information. Open Records Decision Nos. 349 (1982), 320 (1982). If the opposing parties in the litigation have seen or had access to any of the information

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<sup>1</sup>We note that this ruling only addresses the public access of the requested information under Government Code chapter 552, not the production of records under the civil discovery process.

in these records, there would be no justification for now withholding that information from the requestor pursuant to section 552.103(a). Finally, 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). As we resolve this matter under section 552.103, we need not address the applicability of section 552.111.

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,

A handwritten signature in black ink, appearing to read 'RWS', with a long horizontal line extending to the right.

Robert W. Schmidt  
Assistant Attorney General  
Open Records Division

RWS/LBC/rho

Ref: ID# 34404

Enclosures: Submitted documents

cc: Mr. Kirby M. Hiscox  
6304 Latigo Pass  
Austin, Texas 78749  
(w/o enclosures)