



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

January 30, 1998

Ms. Joni M. Vollman
Assistant County Attorney
Harris County
1001 Preston, Suite 634
Houston, Texas 77002-1891

OR98-0295

Dear Ms. Vollman:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code, the Texas Open Records Act. Your request was assigned ID# 112180.

The Harris County Hospital District (the "district") received a request for the name of the company that it contracts with for maintenance of the automatic doors at Ben Taub Hospital. You submitted to this office as responsive to that request a copy of an executed contract between the district and the contracting company that provides its security system. You assert that the name of the contractor is excepted from disclosure under section 552.103(a) of the Government Code.

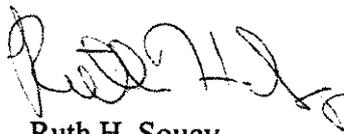
To show that section 552.103(a) is applicable, a governmental entity must show that (1) litigation is pending or reasonably anticipated and (2) the information at issue is related to the litigation. *Heard v. Houston Post Co.*, 684 S.W.2d 210, 212 (Tex. App.--Houston [1st Dist.] 1984, writ ref'd n.r.e.); Open Records Decision No. 551 (1990) at 4. You submitted to this office a letter, dated July 18, 1997, from an attorney stating that the attorney's client was injured in an automatic door and asserting that the injury was due to the district's failure to maintain a safe and defect-free environment. In that letter, the attorney asked the district to investigate the matter and stated: "It is our intention to cooperate with you in the prompt investigation and timely resolution of this claim." You also submitted a letter dated October 28, 1997, in which the lawyer asked the county to provide the name of the company responsible for the maintenance of the automatic doors. The lawyer stated that the information was needed for his investigation of the accident claim.

Litigation has been found to be reasonably anticipated when an individual has hired an attorney who demands damages and also threatens to sue the governmental entity. Open Records Decision No. 551 (1990) at 2. However, this office has also found that litigation was not reasonably anticipated when an applicant who was rejected for employment hired an attorney, and the attorney

as part of his investigation asked for information as to why his client was rejected. Open Records Decision No. 361 (1983). At this point, the prospect of litigation involving the hospital district as a party is too speculative for section 552.103(a) to be applicable. We also note that a contract relating to the expenditure of public funds generally is the type of information that is public. Gov't Code § 552.022. Since section 552.103(a) is inapplicable, the information at issue must be released.

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 any questions about this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref: ID# 112180

Enclosures: Submitted documents

cc: Mr. Ahunanya Anga
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Houston, Texas 77057
(w/o enclosures)