



June 15, 1999

Mr. Charles Karakashian, Jr.
Senior Assistant General Counsel
Texas Department of Public Safety
5805 N. Lamar Boulevard
Austin, Texas 78773-0001

OR99-1665

Dear Mr. Karakashian:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 124844.

The Department of Public Safety received a request for the following information:

- (1) Quality Control Schedules for specific dates;
- (2) Policies, procedures, checks, and balances in regulating State Inspection Stations and inspectors; and
- (3) the number of state inspection stations David Landron has issued citations to, suspended, or closed during a specific time frame.

You state that the department has released much of the information, but that some of the vehicle inspection policies and procedures are excepted from disclosure under sections 552.103 and 552.108 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. *University of Texas Law Sch. v. Texas Legal Found.*, 958 S.W.2d 479 (Tex. App.--Austin, 1997, no pet.), *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 at 4 (1990). You state that there is pending litigation involving an individual's license to operate a motor vehicle inspection station. We agree that the submitted information is related to the pending litigation. However, the documents at issue outline procedures which, if released to the public, may not now be withheld from disclosure to this requestor under either section 552.103 or 552.108. Gov't Code § 552.007.

We agree that as you have met your burden of showing the applicability of section 552.103(a) to the information, it may be withheld from disclosure unless the opposing party has already had access to these written procedures. Once information has been obtained by all parties to the litigation, no section 552.103(a) interest generally exists with respect to that information. Open Records Decision Nos. 349 (1982), 320 (1982). Also, the applicability of section 552.103(a) ends once the litigation has concluded. Attorney General Opinion MW-575 (1982), Open Records Decision No. 350 (1982). Because the records at issue may be withheld from disclosure under section 552.103(a), we need not address your section 552.108 argument.

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.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', with a stylized flourish at the end.

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/nc

Ref: ID# 124844

Encl. Submitted documents

cc: Mr. Rudolph Gonzales
GTS Self Service
P.O. Box 132
Galveston, Texas 77553
(w/o enclosures)