



THE ATTORNEY GENERAL OF TEXAS

AUSTIN, TEXAS 78711

JOHN L. HILL
ATTORNEY GENERAL

September 25, 1973

Mr. Raymond W. Vowell, Commissioner
State Department of Public Welfare
John H. Reagan Building
Austin, Texas 78701

Open Records Decision No. 3

Dear Mr. Vowell:

By a letter dated July 9, you conveyed to this office the request of Mr. Felton West of The Houston Post "to see the records of Artesia Hall and Aston Academy", and by a letter dated July you conveyed the request of Mr. Hal Haralson to have "access to the public records pertaining to the licensing of Dr. Joseph D. Farrar to operate Artesia Hall".

The question presented by both your letters is the scope and applicability of exception number 3 in Section 3 of House Bill which excludes from the definition of public information the following:

"information relating to litigation of a criminal or civil nature and settlement negotiations, to which the state or political subdivision is, or may be, a party, or to which an officer or employee of the state or political subdivision, as a consequence of his office or employment, is or may be a party, that the attorney general or the respective attorneys of the various political subdivisions has determined should be withheld from public inspection;"

This issue was posed because of the June 18 letter from Mr. W. Woods, Jr., District Attorney of the 75th Judicial District.

You advised us that the entire files requested were available for inspection by this office. However, in accordance with the applicable principles enunciated in Opinion H-90, we requested office to review the files in question and make the good faith effort to identify the specific documents believed to be not disclosable pursuant to House Bill 6.

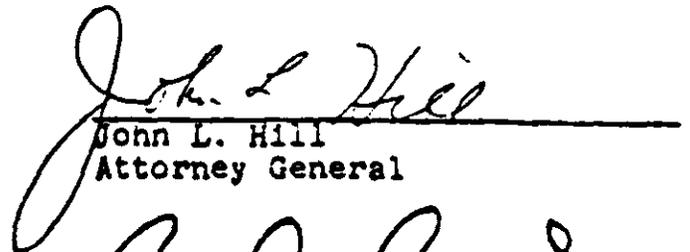
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By a letter of July 31, this office advised you that we had "concluded that Mr. Woods did not intend - or, if he did intend, had not the authority - to ask you to withhold from public inspection any parts of those files except those portions related to the pending criminal charges against Joseph D. Farrar". Thereafter, you sent us records from the Artesia and Aston files which you believed were protected from disclosure by exception number 1 and 3.

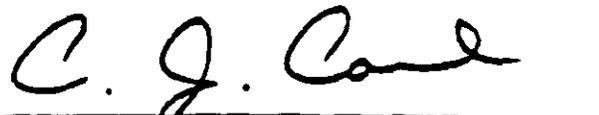
A review of those records has led us to agree with you that most of the material you sent does contain information protected by the privacy concept discussed in Open Records Decision No. 2. Also, some of the records you sent contained information protected under exception number 3 as a result of Mr. Woods's letter.

A few of the documents which you sent to us we have returned as not, in our opinion, being protected from disclosure. We now decide, pursuant to House Bill 6, that you shall make those documents available to the party requesting them, just as previously we decided you were to make available those portions of the files which you reviewed and did not send to us for opinion.

Sincerely,



John L. Hill
Attorney General



C. J. Carl
Staff Legislative Assistant