



# The Attorney General of Texas

December 23, 1981

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Attorney General

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Mr. James A. Adkins  
Acting Commissioner  
Texas Department of Mental Health  
and Mental Retardation  
P. O. Box 12668  
Austin, Texas 78711

Open Records Decision No. 299

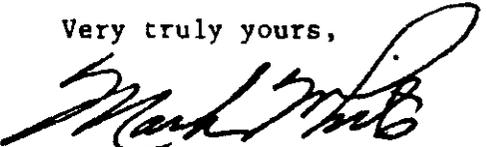
Re: Whether survey reports  
and complaints relating to  
state school are available  
under the Open Records Act

Dear Mr. Adkins:

You have requested our decision under the Open Records Act, article 6252-17a, V.T.C.S., as to the availability of survey reports and complaints relating to the Fort Worth State School. Like the information at issue in Open Records Decision No. 282 (1981), the reports and complaints here are the subject of presently pending litigation, Wells v. Killough, cause no. TY-80-110-CA, filed in the United States District Court for the Eastern District of Texas.

Both the attorney for the department and the assistant attorney general who represent the department have determined that the reports and complaints should be withheld from disclosure under section 3(a)(3). We believe that this determination is reasonable. We have examined the materials and have determined them to be relevant to the litigation. The reports and complaints, therefore, are excepted from disclosure at this time by section 3(a)(3) of the Open Records Act, as "information relating to litigation." Open Records Decision Nos. 282, 270, 266 (1981); 141, 135 (1976).

Very truly yours,

  
MARK WHITE  
Attorney General of Texas

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APPROVED:  
OPINION COMMITTEE

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