



THE ATTORNEY GENERAL  
OF TEXAS

JIM SLATTON  
ATTORNEY GENERAL

March 9, 1990

Mr. Don W. Smith  
Assistant City Attorney  
City of Pasadena  
P.O. Box 672  
Pasadena, Texas 77501

OR90-094

Dear Mr. Smith:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 7706.

The City of Pasadena received an open records request for several city police department internal investigation files. You contend that sections 3(a)(3) and 3(a)(17) of the Open Records Act protect the two files the city was able to locate. We have considered the exceptions you claimed, and reviewed the documents at issue. A previous determination of this office, Open Records Decision No. 264 (1981), resolves your request with regard to section 3(a)(17); you may withhold police officers' home addresses and telephone numbers. You must also withhold all medical records contained in the files pursuant to the Medical Practice Act, V.T.C.S. art. 4495b, § 5.08(b), as well as all criminal history information. See Open Records Decision No. 127 (1976).

Section 3(a)(3) of the Open Records Act excepts from required public disclosure:

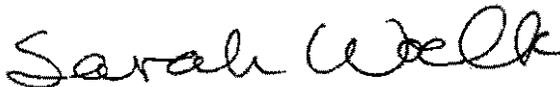
information relating to litigation of a criminal or civil nature and settlement negotiations, to which the state or political subdivision is, or may be, a party, or to which an officer or employee of the state or political subdivision, as a consequence of his office or employment, is or may be a party,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

In order to withhold documents under section 3(a)(3), you must show that litigation is pending or reasonably anticipated. You have not done so in regard to the information in Internal Affairs Division File No. 231.

In regard to file No. 219, your request raises an issue that this office has not addressed previously. That question is to what extent section 3(a)(3) protects information relating to pending litigation in which a former governmental employee is party as a consequence of his prior employment. Until this office resolves this question, you may continue to withhold file No. 219 in its entirety. File No. 231, however, must be released at this time except as discussed above.

If you have questions about this ruling, please refer to OR90-094.

Yours very truly,



Sarah Woelk  
Assistant Attorney General  
Opinion Committee

SW/RWP/le

Ref.: ID# 7706, 6911, 7079, 7543

Enclosure: Open Records Decision No. 328

cc: Lorraine Adams  
Dallas Morning News  
Communications Center  
Dallas, Texas 75202