



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTOX
ATTORNEY GENERAL

April 10, 1990

Honorable Jimmy B. Wright
Lynn County Attorney
Box 729
Tahoka, Texas 79373

Mr. Corky Stovall
Attorney for City
of Hughes Springs
P.O. Box 1449
Hughes Springs, Texas 75656

OR90-138

Dear Mr. Wright and Mr. Stovall:

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 requests were assigned ID#s 8702 and 8699, respectively.

The Lynn County Treasurer and the City of Hughes Springs each received an open records request for the "declarations" page for each of the insurance policies those entities carry. We have considered the exceptions you claimed, specifically sections 3(a)(3) and 3(a)(4), and have reviewed the documents at issue. A previous determination of this office, Open Records Decision No. 75 (1975), a copy of which is enclosed, resolves your requests regarding section 3(a)(4). You have not demonstrated that there is in this instance any on-going competitive situation to which the information at issue relates. Consequently, section 3(a)(4) does not apply to the requested information.

Based on Mr. Stovall's representation that Hughes Springs is currently a defendant in a negligence action, the information contained in the "declarations" page of the insurance policies clearly relates to pending litigation and may therefore be withheld pursuant to section 3(a)(3) at this time. If the city receives a subsequent request for this information after the conclusion of that litigation, and no other lawsuit is pending or reasonably anticipated, the information must then be released. Similarly, the requested records held by Lynn County must be released at

this time absent a showing to this office of pending or anticipated litigation.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR90-138.

Yours very truly,

A handwritten signature in cursive script that reads "Susan Garrison".

Susan Garrison
Assistant Attorney General
Opinion Committee

SG/RWP/le

Ref.: ID# 8702, 8699, 8549, 8515

Enclosure: Open Records Decision No. 75

cc: Robert S. Smith
McGuire, Woods, Battle & Boothe
1627 Eye Street, NW
Washington DC 20006