



**THE ATTORNEY GENERAL  
OF TEXAS**

**JIM MATTOX  
ATTORNEY GENERAL**

August 15, 1990

Mr. D.R. Bustion II  
Assistant Attorney General  
Attorney General's Office  
Child Support Enforcement  
P. O. Box 12548  
Austin, Texas 78711

OR90-373

Dear Mr. Bustion:

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# 10014.

The Child Support Enforcement Division of the Attorney General's office received a request for information relating to its activities in the collection and distribution of child support obligations. The requestor is an attorney for one of the plaintiffs in a class action lawsuit filed against the Attorney General and the director of the Child Support Enforcement Division in their official capacities. The suit challenges the implementation and maintenance of the Texas system of collection and enforcement of child support orders, which is operated by the Child Support Enforcement Division. You seek to withhold from required public disclosure under section 3(a)(3) copies of the Child Support Enforcement Policy and Procedure Manuals, three memoranda that involve ongoing investigations about the loss of funds in certain child support units and certain reports that discuss the results of "audits, investigations and evaluations of the Child Support Enforcement Unit conducted by any government or private agency." You also claim that the latter reports are excepted from disclosure under sections 3(a)(8) and 3(a)(11) of the act; as well as section 3(a)(3).

We have considered the exceptions you claimed and have reviewed the documents at issue. We conclude that all of the information requested relates to the litigation of issues involved in the plaintiff's complaint. A previous determination of this office, Open Records Decision No. 551 (1990), a copy of which is enclosed, resolves your request.

Discovery of this information should be sought through the judicial discovery process. See Open Records Decision No. 108 (1975). For this reason, you may withhold the requested information under section 3(a)(3) of the act. As we conclude that the information may be withheld under section 3(a)(3), we do not address your claim that it is also protected from disclosure by the other sections you cite.

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 OR90-373.

Yours very truly,



David A. Newton  
Assistant Attorney General  
Opinion Committee

DAN/le

Ref.: ID# 10014

Enclosure: Open Records Decision No. 551  
Documents Submitted

cc: Mr. Kelly Evans  
Legal Aid Society of Central Texas  
611 E. 6th St.  
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