



THE ATTORNEY GENERAL  
OF TEXAS

JIM MATTOX  
ATTORNEY GENERAL

September 6, 1990

Mr. J. Kirk Brown  
General Counsel  
Texas Department of Criminal Justice  
Institutional Division  
P. O. Box 99  
Huntsville, Texas 77342-0099

OR90-429

Dear Mr. Brown:

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# 9998.

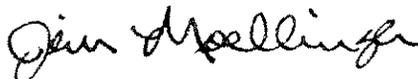
You have received a request from Harris County for 26 categories of information comprising the policy formulation documents and facts relating to the allocation formula devised by the department pursuant to article 6166a-4, V.T.C.S. The formula governs the admission of inmates into the custody of the Institutional Division of the Texas Department of Justice from the counties in which they were convicted. You inform us that the issue of admissions from Harris County to the division is the subject of ongoing litigation in both state and federal courts in which Harris County asserts, inter alia, that the allocation formula is unconstitutional. You have included copies of the pleadings filed in the cases.

We have considered the exceptions you claim, specifically sections 3(a)(1), 3(a)(3), 3(a)(7), and 3(a)(11). We agree that the requested information is excepted under section 3(a)(3), the litigation exception. A previous determination of this office, Open Records Decision No. 551 (1990), a copy of which is enclosed, resolves your request. For this reason, you may withhold the requested information. Because we are resolving your request under section 3(a)(3), we need not address the other exceptions that you raise.

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 OR90-429.

Yours very truly,



Jim Moellinger  
Assistant Attorney General  
Opinion Committee

JM/le

Ref.: ID# 9998, 10045, 10013

Enclosure: Open Records Decision No. 551 (1990)

cc: Hon. Jon Lindsay  
County Judge, Harris County  
Harris County Administration Building  
1001 Preston, Suite 911  
Houston, Texas 77002