



THE ATTORNEY GENERAL
OF TEXAS

JIM PLATTON
ATTORNEY GENERAL

October 12, 1990

Ms. Susan G. Spikes
Assistant University Counsel
University of Houston System
1600 Smith, Suite 3400
Houston, Texas 77002

OR90-495

Dear Ms. Spikes:

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# 10559.

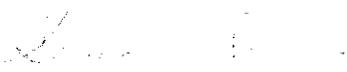
The University of Houston System (the system) received several open records requests for information concerning, inter alia, the system's history, programs, revenues, budgets, faculty, "long term plans," and total number and ethnic make-up of the system's students. You contend that this information comes under the protection of section 3(a)(3) of the Open Records Act.

You state that the system has been made a party to a lawsuit, styled LULAC v. William P. Clements, No. 12-87-5242-A (Dist. Ct. of Cameron County, 107th Judicial Dist. of Texas, Dec. 19, 1988) that is challenging higher education programs in Texas. The system is currently an abated party to the litigation and has not been officially dismissed from the lawsuit. Consequently, the requested information relates to pending litigation to which the system is a party and therefore comes under the protection of section 3(a)(3). See Open Records Decision No. 551 (1990) (copy enclosed). For this reason, you may withhold the requested information pursuant to section 3(a)(3) until such time that the system is dismissed from the pending 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 OR90-495.

Yours very truly,


Susan Garrison
Assistant Attorney General
Opinion Committee

SG/RWP/le

Ref.: ID# 10559
ID# 10571
ID# 10779
ID# 10803

Enclosures: Open Records Decision No. 551

cc: Albert H. Kauffman
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