



THE ATTORNEY GENERAL  
OF TEXAS

JIM MATTOX  
ATTORNEY GENERAL

November 20, 1990

Ms. Leslie L. McCollom  
Assistant Attorney General  
Child Support Enforcement  
P.O. Box 12017  
Austin, Texas 78711-2017

OR90-555

Dear Ms. McCollom:

You have asked whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. You have submitted two requests to us, have identified the information responsive to them, and have claimed exception from disclosure of the material under section 3(a)(3). As there is a great deal of overlap between the materials responsive to the requests, we are answering both with this letter ruling. Your request of August 27, 90, was assigned ID# 10485; that of October 25, 1990, was assigned ID# 10945.

The requestor in ID# 10485 seeks a copy of the complete file maintained about her by the Child Support Enforcement Division of the Attorney General's Office. In her capacities as the president and regional officer of a child support enforcement advocacy group, she also seeks information pertaining to internal procedures of the division, the division's opinion on the existence of an attorney-client relationship between IV-D attorneys and clients, and the division's federal fiscal year 1989 expenses. The requestor in ID# 10945 also seeks, inter alia, information about the division's internal procedures and decision-making processes. Your office has directed the release of some of the materials requested in these cases, but as the attorney representing the division in pending litigation against the division, you advise us that the balance of the information relates to that litigation and therefore should not be released. You assert that, as the litigation is now in the pre-discovery stages, its scope is as yet undetermined, but will likely relate to matters covered by these materials. Furthermore, you inform us that this office, in Open Records Letter Ruling OR90-373 (1990), allowed the exception of some of the materials responsive to the request in ID# 10945,

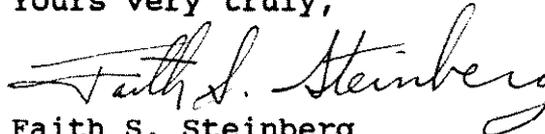
because of their relation to the same litigation cited in the two present cases.

After careful consideration of the pleadings in the cited litigation and the materials responsive to the requests, we find that the section 3(a)(3) exception is applicable here. The information requested reasonably relates to pending litigation to which the state is a party. Open Records Decision No. 551 (1990). Furthermore, a client of the Department of Human Resources may be denied access to her client file to the extent that the file is covered by an exception to the Open Records Act; the Human Resources Code provisions on the confidentiality of records do not allow a client unqualified access to her own file. Attorney General Opinion H-249 (1974); Tex. Hum. Res. Code §§ 21.012, 76.006. Accordingly, you may withhold the requested information.

You also submit that certain information requested in ID# 10945, namely, the "nature and requirements of of all formal and informal procedures available for determining whether or not legal action . . . should be taken in a given case," does not exist in concrete form. The Open Records Act does not require you to prepare new information in response to a request. Open Records Decision No. 452 (1986.)

Because prior published attorney general's opinions and 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 OR90-555.

Yours very truly,



Faith S. Steinberg  
Assistant Attorney General  
Opinion Committee

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Ref.: ID#s 10485, 10945, 10166, 10768, 10892, 10904,  
10909, 10941

Enclosure: Open Records Decision Nos. 551, 452

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