



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

October 21, 1991

Mr. Kevin T. O'Hanlon  
General Counsel  
Office of Legal Services  
Texas Education Agency  
1701 North Congress Avenue  
Austin, Texas 78701-1494

OR91-513

Dear Mr. O'Hanlon:

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# 13756.

You have received a request for information relating to driver education. Specifically, the request seeks

1. All documents and correspondence concerning revisions to or amendments to the curriculum guide for driver education instruction.
2. All studies, surveys, reports, or other data relied upon by the Texas Education Agency relating to drivers education programs in the public schools and Regional Educational Service Centers.
3. All correspondence, documents, reports, or records of communication referring or relating to the Texas Education Agency's regulation of Regional Education Service Centers and public schools teaching drivers education.
4. All summaries of information concerning programs delivered by

public schools across the state of Texas, including but not limited to, any surveys conducted as to availability of behind-the-wheel driving.

You claim that the requested information is excepted from required public disclosure by section 3(a)(3) of the Open Records Act.

We have considered the exception you claim. Previous open records decisions issued by this office resolve your request. Open Records Decision No. 555 (1990) held that a section 3(a)(3) exception is applicable when litigation is pending or may be reasonably anticipated and the requested information relates to that litigation.

You advise us that your agency is currently party to litigation in Cause Number 91-6192, Travis County District Court, styled *Safeway Driving School v. Texas Education Agency*. You also advise us that the requestor is the attorney of record for several plaintiffs in that cause. Having examined the documents sent to us for review, we further determine that the requested information relates to the pending litigation and thus, unless previously disclosed through the discovery process or by court order may be excepted from required public disclosure by section 3(a)(3) of the Open Records Act. *Id.* Please note that this ruling applies only for the duration of the litigation and only to the information at issue here.

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 OR91-513.

Yours very truly,



William Walker  
Assistant Attorney General  
Opinion Committee

WW/GK/lcd

Ref.: ID# 13756

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