



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

January 6, 1992

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

OR92-5

Dear Ms. Spinks:

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# 14424.

You have received a request for information relating to an employee of the University of Houston System ("the university"). Specifically, the requestor seeks certain correspondence and memoranda relating to the employee's duties as Director of the Center for Applied Technology and to the employee's termination from that position. You claim that the requested information is excepted from required public disclosure by sections 3(a)(3) and 3(a)(11) of the Open Records Act.

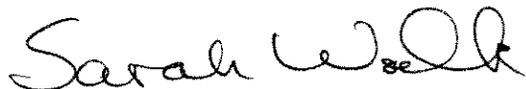
Previous open records decisions issued by this office resolve your request. Section 3(a)(3) excepts

information relating to litigation of a criminal or civil nature and settlement negotiations, to which the state or political subdivision is, or may be, a party, or to which an officer or employee of the state or political subdivision, as a consequence of his office or employment, is or may be a party, that the attorney general or the respective attorneys of the various political subdivisions has determined should be withheld from public inspection.

Open Records Decision No. 551 (1990) held that section 3(a)(3) applies to information relevant to litigation that is pending or reasonably anticipated. In a letter to the university, the requestor's attorney threatens litigation if the absent the university does not to compensate the requestor for alleged slander, libel, and defamation. Thus litigation may be reasonably anticipated. Because the requested information relates to the anticipated litigation, it may be withheld from required public disclosure by section 3(a)(3) of the Open Records Act. Please note that this ruling applies only for the duration of the litigation at issue. Because we resolve your request under section 3(a)(3), we need not address the applicability of section 3(a)(11) at this time.

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 OR92-5.

Yours very truly,



Sarah Woelk
Assistant Attorney General
Opinion Committee

SW/GK/lcd

Ref.: ID# 14424

cc: Ms. Katy Greenwood
Associate Professor
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