



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

February 8, 1995

Ms. JoAnn S. Wright  
School Attorney  
Arlington Independent School District  
1203 West Pioneer Parkway  
Arlington, Texas 76013-6246

OR95-062

Dear Ms Wright:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 30781.

The Arlington Independent School District (the "district") received an open records request for several items of information. You inform us that the district has released portions of the requested information. However, the district seeks to withhold from required public disclosure two documents based on sections 552.101, 552.103, 552.107, and 552.111 of the Government Code.

Section 552.103(a) applies to information:

- (1) relating to litigation of a civil or criminal nature or settlement negotiations, to which the state or a political subdivision is or may be a party or to which an officer or employee of the state or a political subdivision, as a consequence of the person's office or employment, is or may be a party; and
- (2) that the attorney general or the attorney of the political subdivision has determined should be withheld from public inspection.

In this instance you have made the requisite showing that the requested information relates to reasonably anticipated litigation for purposes of section 552.103(a). The requested records may therefore be withheld.

We note that if the opposing party in the anticipated litigation has seen or had access to any of the information in these records, there would be no justification for now withholding that information from the requestor pursuant to section 552.103(a). Open Records Decision Nos. 349, 320 (1982). In addition, the applicability of section 552.103(a) ends once the litigation has been concluded. Attorney General Opinion MW-575 (1982); Open Records Decision No. 350 (1982).

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay H. Guajardo  
Assistant Attorney General  
Open Government Section

KHG/rho

Ref.: ID# 30781

Enclosures: Submitted documents

cc: Ms. Donna Korman  
2620 Autumn Trail Drive #1217  
Arlington, Texas 76016  
(w/o enclosures)