



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 29, 1995

Mr. Edward W. Dunbar
Dunbar & Barill, L.L.P.
1700 North Stanton
El Paso, Texas 79902

OR95-908

Dear Mr. Dunbar:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. We assigned your request an identification number, ID# 31551.

The El Paso County Community College District (the "district") has received a request for information from an applicant who twice applied for a counseling position with the district. The requestor seeks information related to the application and selection process. You believe the district may withhold the information pursuant to section 552.103(a) of the Government Code. To secure the protection of section 552.103(a), a governmental body must demonstrate that requested information "relates" to a pending or reasonably anticipated judicial or quasi-judicial proceeding. *See* Open Records Decision No. 551 (1990) at 4.

You have informed us that the requestor filed a complaint with the Equal Employment Opportunity Commission (the "EEOC") regarding the selection process. This office has stated that the pendency of a complaint before the EEOC indicates a substantial likelihood of litigation and therefore satisfies section 552.103(a). *See* Open Records Decision No. 386 (1983) at 2.

Consequently, we conclude that section 552.103(a) authorizes the district to withhold the requested information. Once litigation has concluded, however, section 552.103(a) is inapplicable.¹ Attorney General Opinion MW-575 (1982) at 2; Open Records Decision No. 350 (1982) at 3. Because the district may withhold the requested information under section 552.103, we need not consider whether the district may withhold the information under section 552.111 of the Government Code.

¹Some of the requested information may be confidential. The district must not release the confidential information even after the litigation has concluded. *See* Gov't Code § 552.352.

We are resolving this matter with an 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 of the Government Code regarding any other records. If you have questions about this ruling, please contact this office.

Yours very truly,



Kimberly K. Oltrogge
Assistant Attorney General
Open Government Section

KKO/RHS/rho

Ref.: ID# 31551

Enclosures: Submitted documents