



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

April 22, 1996

Mr. Edward H. Perry
Assistant City Attorney
Office of the City Attorney
City of Dallas
City Hall
Dallas, Texas 75201

OR96-0593

Dear Mr. Perry:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 39626.

The City of Dallas received an open records request to inspect the S.A.F.E. Team Standard Operating Procedures Manual. You contend the city may withhold this manual from the public pursuant to sections 552.103(a), 552.107(2), 552.108 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.

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. Open Records Decision No. 588 (1991). In this instance you

have made the requisite showing that the requested information relates to pending litigation for purposes of section 552.103(a). The requested records may therefore be withheld.

We note that if the opposing party in the pending 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 (1982), 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.¹ 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 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 Records Division

KHG/ch

Ref.: ID# 39626

Enclosures: Submitted documents

cc: Ms. Marguerite Broussard
Israel L. Suster Law Office
Attorneys and Counselors at Law
5220 Spring Valley Road, Suite 630
Dallas, Texas 75240
(w/o enclosures)

¹Having concluded that the city may withhold the requested information from required public disclosure based on section 552.103, we need not address the other exceptions that you raise at this time.