



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

June 7, 1996

Ms. Charlotte Bingham  
Crenshaw, Dupree & Milam, L.L.P.  
Northwest Center  
1500 Broadway  
Lubbock, Texas 79401

OR96-0914

Dear Ms. Bingham:

As counsel for the Central Plains Center for Mental Health, Mental Retardation and Substance Abuse ("Central Plains MHMR"), 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# 40535.

Central Plains MHMR received a request for information concerning one of its former employees. You assert that the requested information is excepted from required public disclosure based on section 552.103 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

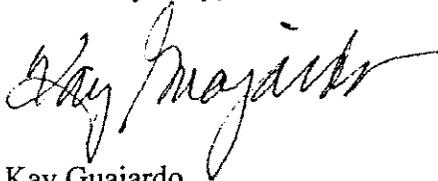
(2) that the attorney general or the attorney of the political subdivision has determined should be withheld from public inspection.

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 reasonably anticipated litigation for purposes of section 552.103(a). See Open Records Decision

No. 386 (1983) (pendency of complaint before the Equal Employment Opportunity Commission establishes reasonably anticipated litigation). Therefore, the Central Plains MHMR may withhold the requested records from public disclosure based on section 552.103.<sup>1</sup>

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 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay Guajardo  
Assistant Attorney General  
Open Records Division

KHG/rho

Ref.: ID# 40535

Enclosures: Submitted documents

cc: Mr. Randall B. Pyles  
Burgess & Pyles  
207 East Sixth Street  
Plainview, Texas 79072  
(w/o enclosures)

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<sup>1</sup>We note that if the opposing parties in the anticipated litigation have 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).