



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

June 12, 1996

Mr. David Anderson  
Chief Counsel  
Office of Legal Services  
Texas Education Agency  
1701 North Congress Avenue  
Austin, Texas 78701-1494

OR96-0930

Dear Mr. Anderson:

You have asked whether certain information is subject to required public disclosure chapter 552 of the Government Code. Your request was assigned ID# 37206.

The Texas Education Agency (the "TEA") received a request for information related to an investigation into the Austin Driving School (the "school") and information concerning other investigations into driving training schools. You apparently have supplied some information to the requestor, but contend that the other information at issue is excepted from disclosure under section 552.103(a).

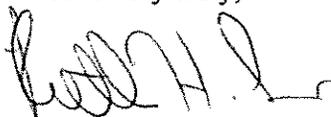
To secure the protection of section 552.103(a), a governmental body must demonstrate that requested information "relates" to a pending or reasonably anticipated judicial or quasi-judicial proceeding. Open Records Decision No. 551 (1990). You assert that TEA is investigating the school and reasonably anticipates litigation connected with that investigation. You also submitted to this office for our review "representative samples" of documents you contend are responsive to the request and related to the anticipated litigation. We agree that the documents submitted to this office are related to the anticipated litigation. We note that in making this determination, we assume that this sample is truly representative of the requested records as a whole, *see* Open Records Decision No. 499 (1988), 497 (1988), and we do not address any other requested records to the extent that those records contain substantially different types of records than the submitted records.

Generally, once 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). The applicability of section 552.103(a) also ends once the litigation has been concluded.

Attorney General Opinion MW-575; Open Records Decision No. 350 (1982) at 3. However, if the records at issue contain confidential information, that information may not be disclosed even after the litigation concludes.<sup>1</sup>

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 should 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,



Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/ch

Ref.: ID# 37206

Enclosures: Submitted documents

cc: Ms. Susan G. Morrison  
Attorney at Law  
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Austin, Texas 78701  
(w/o enclosures)

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c/o Austin Driving School  
2049 W. Stassney Lane  
Austin, Texas 78745  
(w/o enclosures)

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<sup>1</sup>Because the information at issue may be withheld from disclosure under section 552.103(a), we do not at this time address your other arguments against disclosure.