



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

August 13, 1996

Mr. Mitchell S. Milby  
Assistant City Attorney  
City of Dallas  
City Hall  
Dallas, Texas 75201

OR96-1425

Dear Mr. Milby:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 100118.

The City of Dallas (the "city") received a request for internal reports concerning an automobile accident involving a police vehicle.<sup>1</sup> You assert that the responsive information is excepted from disclosure pursuant to section 552.103.

To secure the protection of section 552.103, the city must demonstrate that (1) litigation is pending or reasonably anticipated and (2) the information at issue is related to that litigation. *Heard v. Houston Post Co.*, 684 S.W.2d 210, 212 (Tex.App--Houston [1st Dist.] 1984, writ ref'd n.r.e.); Open Records Decision No. 551 (1990) at 4. The city has provided a petition showing that the city has been sued in connection with the automobile accident. Our review of the records at issue shows that they are related to the pending litigation. As the city has shown that section 552.103(a) is applicable, the records at issue may be withheld from disclosure.

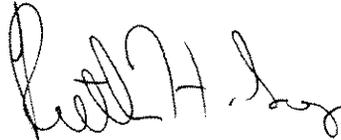
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<sup>1</sup>As the requestor provided information about the site of the accident, the date of the accident, and the names of individuals involved in the accident, the Texas Transportation Code governs release of the accident report submitted to this office. As the accident report should have been provided to the requestor, we do not address it in this ruling.

We note, however, that once information has been obtained by all of the parties to litigation, through discovery or otherwise, no section 552.103(a) interest generally exists with respect to that information. Open Records Decision No. 349 (1982) at 2. The applicability of section 552.103(a) also generally ends once the litigation concludes. Attorney General Opinion MW-575 (1982); Open Records Decision No. 350 (1982) at 3.

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,

A handwritten signature in cursive script, appearing to read "Ruth H. Soucy".

Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/rho

Ref.: ID# 100118

Enclosures: Submitted documents

cc: Mr. Don Jenkins  
P.O. Box 452312  
Garland, Texas 75045  
(w/o enclosures)