



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

October 28, 1996

Ms. Bonnie Lee Goldstein  
Vial, Hamilton, Koch & Knox  
1717 Main Street, Suite 4400  
Dallas, Texas 75201-4605

OR96-1954

Dear Ms. Goldstein:

On behalf of the City of Highland Village (the "city"), 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# 101651.

The city received requests for the personnel information concerning several police department employees, Officer Jeff Birks, Officer Mike Jasper, Officer Peggy Franklin, Officer April Roppolo, Officer Mark B. Stewart, and Officer D.E. Cox. You say the city does not seek a ruling with regard to the personnel information of Officer Jeff Birks. You assert that the information concerning the other named officers is excepted from required public disclosure based on sections 552.101, 552.102, 552.103, 552.117, and 552.119.

Section 552.103(a) of the Government Code excepts from required public disclosure 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.<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# 101651

Enclosures: Submitted documents

cc: Mr. Gregory L. Ward  
North Texas Investigations, Inc.  
P.O. Box 117855  
Carrollton, Texas 75011  
(w/o enclosures)

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<sup>1</sup>We note that if 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). 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).