Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 31, 1996

Mr. Richard J. Ybarra
Open Records Coordinator
General Counsel Division
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548

OR96-2015

Dear Mr. Ybarra:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 37773.

The Office of the Attorney General received a request for any and all documents relating to Gibraltar Chemical Resources, Inc. You have submitted the requested information to this office for review. You contend that the requested records are excepted from disclosure pursuant to, among other things, section 552.111 of the Government Code.

Section 552.111 excepts from disclosure "an interagency or intraagency memorandum or letter that would not be available by law to a party in litigation with the agency." This exception encompasses attorney work product created for litigation that tends to reveal an attorney's mental processes, conclusions, and legal theories. Open Records Decision No. 647 (1996). Moreover, when a person requests the entire litigation file of an attorney, the individual records in the file may be withheld under section 552.111. *Id.*

We have examined the records submitted for our review. These records may be the work product of an attorney created in anticipation of litigation. We are returning the records to you to determine whether these records fall within the test articulated in

Open Records Decision No. 647 (1996) to withhold attorney work product under section 552.111. If you so determine, you may withhold the records under section 552.111.[1]

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,

Loretta R. DeHay
Assistant Attorney General
Open Records Division

LRD/rho

Ref.: ID# 37773

Enclosures: Submitted documents

cc: Mr. Clay Rooker
Banks Petroleum/Environmental Services, Inc.
P.O. Box 12851 Capitol Station
Austin, Texas 78701
(w/o enclosures)

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[1]The records submitted for our review contain information that may be protected from disclosure under section 552.101 of the Government Code. If you determine that section 552.111 does not except this information from disclosure, we urge you to exercise caution before releasing confidential information. *See* Gov't Code § 552.352 (providing penalties for improper release of confidential information).