



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

November 22, 1996

Mr. Robert J. Giddings  
Office of the General Counsel  
The University of Texas System  
201 West Seventh Street  
Austin, Texas 78701-2981

OR96-2185

Dear Mr. Giddings:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 102342.

The University of Texas at Arlington (the "university") received a request for "all financial records related to the Center for Mexican American Studies, particularly including but not limited to records that could confirm allegations of financial mismanagement." You have submitted responsive records to this office for review.<sup>1</sup> You assert that these records are at issue in a lawsuit that is pending in the 96th District Court in Tarrant County, and that the records are excepted from disclosure pursuant to section 552.103(a) of the Government Code.

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 supplied this office with a copy of the petition in the pending litigation. Our review of the records at issue shows that the records are related to the pending litigation. Thus, the responsive records may be withheld from disclosure pursuant to section 552.103(a).<sup>2</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

---

<sup>1</sup>The requestor asked for financial records related to the Center for Mexican American Studies. We note that not all of the records submitted to this office appear to be financial records.

<sup>2</sup>We note, however, that once information has been obtained by all parties to the litigation and after the litigation has concluded, section 552.103(a) is generally no longer applicable. Attorney General Opinion MW-575 (1982); Open Records Decision Nos. 350 (1982), 349 (1982), 320 (1982).

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 Section

RHS/ch

Ref.: ID# 102342

Enclosures: Submitted documents

cc: Mr. Nathaniel Peter Holzer  
4914 Ledgestone Drive  
Fort Worth, Texas 76132  
(w/o enclosures)