



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

November 25, 1996

Ms. Mercedes Leal  
Senior Assistant County Attorney  
Harris County  
1001 Preston, Suite 634  
Houston, Texas 77002-1891

OR96-2205

Dear Ms. Leal:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 27840.

The Harris County Sheriff's Department (the "department") received a request for a copy of the "complaint history" regarding three department officers. You assert that the requested information is excepted from required public disclosure under sections 552.101, 552.103, and 552.108 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 state that one of the officers whose records are the subject of the request is the victim of an aggravated assault on a police officer in a pending criminal case and the other two officers are witnesses to the assault. We conclude that the department has demonstrated that litigation is pending and that the information relates to that litigation. Accordingly, the department may withhold the requested information under section 552.103.

In reaching this conclusion, however, we assume that the opposing party to the litigation has not previously had access to the records at issue. Absent special circumstances, *once information has been obtained by all parties to the litigation*, no section 552.103(a)

interest exists with respect to that information. Open Records Decision Nos. 349 (1982), 320 (1982). Furthermore, the applicability of section 552.103(a) ends once the litigation has concluded. Attorney General Opinion MW-575 (1982); Open Records Decision No. 350 (1982).<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,



Todd Reese  
Assistant Attorney General  
Open Records Division

RTR/rho

Ref.: ID# 27840

Enclosures: Submitted documents

cc: Ms. Susan E. Serry  
Berg & Androphy  
3704 Travis  
Houston, Texas 77002  
(w/o enclosures)

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<sup>1</sup>Because we resolve this matter under section 552.103, we need not now consider your other claimed exceptions to required public disclosure. We note, however, that the records submitted for our review contain information that may be excepted from disclosure under section 552.101 of the Government Code. If the department receives requests for these records when section 552.103(a) is no longer applicable, we urge you to exercise caution before releasing the information. See Gov't Code § 552.352 (providing penalties for improper release of confidential information).