



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 9, 1996

Mr. Frank Stenger-Castro
General Counsel
Texas Workers' Compensation Insurance Facility
8303 MoPac Expressway North, Suite 310
Austin, Texas 78759-8396

OR96-2323

Dear Mr. Stenger-Castro:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 102246.

The Texas Worker's Compensation Facility (the "facility") received a request for information concerning certain named companies and individuals. You have submitted to this office samples of records that are responsive to the request.¹ You assert that the records are excepted from disclosure pursuant to section 552.103(a) of the Government Code, which excepts from disclosure information that relates to pending or reasonably anticipated 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.

Our review of the documents submitted to this office shows that litigation is anticipated or pending and that these documents are related to the litigation.² Thus, pursuant to section 552.103(a), you may withhold the records from disclosure.³

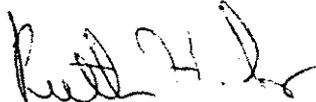
¹We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision No. 499 (1988), 497 (1988). Here, we do not address any other requested records to the extent that those records contain substantially different types of information than that submitted to this office

²We note that you did not explain in your letter how litigation involving the facility was pending or anticipated and how the documents were related to such litigation.

³Since the information at issue may be withheld from disclosure pursuant to section 552.103(a), we need not at this time address your other arguments against disclosure. We note that the applicability of section 552.103(a) also ends once the other parties have been provided access to information or when the litigation has concluded. Attorney General Opinion MW-575 (1982); Open Records Decision No. 350 (1982).

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



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref: ID#102246

Enclosures: Submitted documents

cc: Mr. Larry Parks
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(w/o enclosures)