



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 11, 1996

Mr. James G. Nolan
Legal Department
Texas Workforce Commission
101 East 15th Street, Room 651
Austin, Texas 78748

OR96-2355

Dear Mr. Nolan:

You have asked this office to determine if certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 102418.

The Texas Workforce Commission (the "commission") received a request for certain information that you contend is excepted from disclosure pursuant to section 552.103(a) of the Government Code. To show that section 552.103(a) is applicable, a governmental entity must show that (1) litigation is pending or reasonably anticipated and (2) the information at issue is related to the 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. You provided this office a copy of a petition showing that litigation involving the commission is pending. You also provided representative samples of documents that our review shows to be related to the pending litigation.¹ We agree that the documents at issue may be withheld from disclosure pursuant to section 552.103(a).²

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, however, that once information has been obtained by all parties to the litigation, in discovery or otherwise, no section 552.103(a) interest generally exists with respect to that information. Open Records Decision Nos. 349 (1982), 320 (1982). Also, the applicability of section 552.103(a) generally ends once the pending litigation concludes. 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# 102418

Enclosures: Submitted documents

cc: Ms. Linda Meekins McLain
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(w/o enclosures)