



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 16, 1998

Ms. JoAnn Wright
Walsh, Anderson, Underwood,
Schultz & Aldridge, P.C.
P.O. Box 168046
Irving, Texas 75038-8046

OR98-2205

Dear Ms. Wright:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 117906.

The Mansfield Independent School District (the "district") received an open records request for all letters from Judy Miller to Vernon Newsom regarding "Resignations and Recommendations for Election" since January 1, 1998 until the present. You contend the requested records are excepted from required public disclosure pursuant to section 552.103 of the Government Code.

To secure the protection of section 552.103, a governmental body must demonstrate that the requested information relates to pending or reasonably anticipated litigation to which the governmental body is a party. This office has previously determined that other information sought by the same requestor here "related" to reasonably anticipated litigation between the requestor and the district, and therefore concluded that that information could be withheld pursuant to section 552.103. *See* Open Records Letter No. 98-1870 (1998). In this instance, however, you have not established, nor do the records themselves reveal, how the information at issue here relates to that litigation. We therefore conclude that the district may not withhold the records at issue pursuant to section 552.103. Because you have raised no applicable exception, the district must release the requested information in its entirety, with the following exception.

Section 552.117(1) of the Government Code makes confidential a public employee's home address, home telephone number, social security number, and any information revealing whether the employee has family members, but only if the employee has elected to keep this information confidential in accordance with section 552.024 of the Government

Code. Assuming that the former district employees, identified in the document at issue, have previously elected to make these categories of information confidential in accordance with section 552.024 of the Government Code, we have marked the information that the district must withhold from the requestor pursuant to section 552.117(1). *But see* Open Records Decision No. 530 (1989) (character of requested information as public under statutory predecessors to sections 552.024 and 552.117 is determined as of time request for information is made).

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,

A handwritten signature in cursive script that reads "Sam Haddad". The signature is written in black ink and is positioned above the typed name.

Sam Haddad
Assistant Attorney General
Open Records Division

SH/RWP/mjc

Ref.: ID# 117906

Enclosures: Marked documents

cc: Mr. Frank Halpin
P.O. Box 9123
Fort Worth, Texas 74147
(w/o enclosures)