



July 12, 1999

Ms. Alejandra I. Villarreal  
Wickliff & Hall  
105 S. St. Mary's Street, Suite 700  
San Antonio, Texas 78205

OR99-1926

Dear Ms. Villarreal:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 125656.

The Alamo Community College District (the "district") received a request for a variety of information pertaining to a job posting. You state that the district seeks to withhold one document from disclosure under sections 552.103 and 552.111 of the Government Code. That document, marked as Exhibit B, was submitted to this office for review.

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. *University of Tex. Law Sch. v. Texas Legal Found.*, 958 S.W.2d 479 (Tex. App.--Austin, 1997, no pet.), *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 at 4 (1990). You assert that litigation is reasonably anticipated in part because an applicant for the position who did not get the job has asked that records be sent either to her or to her attorney. This office has found that litigation was not reasonably anticipated when an applicant who was rejected for employment hired an attorney, and the attorney as part of his investigation asked for information as to why his client was rejected. Open Records Decision No. 361 (1983). In this situation the prospect of litigation is too speculative for section 552.103(a) to be applicable. Open Records Decision No. 518 at 5 (1989) (governmental body must show that litigation involving specific matter is realistically contemplated).

Section 552.111 excepts interagency and intraagency communications from disclosure only to the extent that they contain advice, opinion, or recommendation for use in the

governmental body's policymaking process. Open Records Decision No. 615 at 5 (1993). A governmental body's policymaking functions do not generally encompass routine personnel matters. Exhibit B may not be withheld from disclosure under either section 552.103 or section 552.111, and therefore must be released.

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.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', with a stylized flourish at the end.

Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/ch

Ref: ID# 125656

Encl. Submitted documents

cc: Ms. Joann Moser  
142 Huxley  
San Antonio, Texas 78218  
(w/o enclosures)