



September 10, 1999

Mr. John D. Armstrong  
Assistant City Attorney  
City of La Porte  
P.O. Box 1218  
La Porte, Texas 77572-1218

OR99-2514

Dear Mr. Armstrong:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 128814.

The City of La Porte (the "city") received a request for information relating to an incident in the city's municipal court. You claim that the requested information is excepted from disclosure under section 552.103 of the Government Code.

Section 552.103(a) of the Government Code, known as the litigation exception, excepts from required public disclosure information

(1) relating to litigation of a civil or criminal nature or settlement negotiations, to which the state or a political subdivision is or may be a party or to which an officer or employee of the state or a political subdivision, as a consequence of the person's office or employment, is or may be a party; and

(2) that the attorney general or the attorney of the political subdivision has determined should be withheld from public inspection.

To secure the protection of section 552.103(a), a governmental body must demonstrate that the requested information relates to pending or reasonably anticipated litigation to which the governmental body is a party. Open Records Decision No. 588 (1991). The mere chance

of litigation will not trigger section 552.103(a). Open Records Decision No. 452 (1986) and authorities cited therein. To demonstrate that litigation is reasonably anticipated, the governmental body must furnish *concrete* evidence that litigation involving a specific matter is realistically contemplated and is more than mere conjecture. *Id.*

In our opinion, you have not established that the requested information relates to pending or reasonably anticipated litigation to which the city is or will be a party. Therefore, the information at issue may not be withheld under section 552.103(a).

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,



William Walker  
Assistant Attorney General  
Open Records Division

WMW/ch

Ref: ID# 128814

Encl. Submitted documents

cc: Mr. Kenneth Richard Allison  
201 Edgewood  
La Porte, Texas 77571  
(w/o enclosures)