



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

October 31, 2017

Ms. June B. Harden
Assistant Attorney General
Assistant Public Information Coordinator
Office of the Attorney General
P.O. Box 12548
Austin, TX 78711-2548

OR2017-24868

Dear Ms. Harden:

You ask whether certain information is subject to required public disclosure under the Public Information Act, chapter 552 of the Government Code. Your request was originally received by the Open Records Division ("ORD") of this office and assigned ID #683056-17. Because ORD possessed documents responsive to the request, preparation of this ruling has been assigned to the Opinion Committee.

The Office of the Attorney General (the "OAG") received a Public Information Act request from Ms. Wallis Meshier on August 21, 2017. The request seeks multiple categories of information pertaining to communications between the OAG and the City of Hutto. You indicate that the OAG has released most of the requested information. You state that other responsive information is excepted from disclosure under sections 552.103 and 552.107 of the Government Code. We have considered the exceptions you claim and reviewed the representative samples of information you submitted as Exhibit B.

Section 552.103 of the Government Code provides, in relevant part, that information is excepted from required public disclosure if it is information:

relating to litigation of a civil or criminal nature 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.

TEX. GOV'T CODE § 552.103(a). A governmental body claiming section 552.103 has the burden of providing relevant facts and documents showing that: (1) litigation is pending or reasonably anticipated on the date the governmental body received the request; and (2) the information at issue is related to that litigation. *Univ. of Tex. Law Sch. v. Tex. Legal Found.*, 958 S.W.2d 479, 481 (Tex. App.—Austin 1997, orig. proceeding [mand. denied]). The governmental body must meet both prongs of this test for information to be excepted under section 552.103.

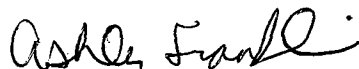
You state and submit documentation showing that prior to the instant request, the City of Hutto filed several lawsuits against the OAG. You also represent, and we agree, the submitted information relates directly to these pending lawsuits. Therefore, based on your representations and our review of the submitted information, we conclude the OAG established the information at issue may be withheld under section 552.103. Because our ruling on this issue is dispositive, we do not address your remaining argument against disclosure.

We note, however, once information has been obtained by all parties to the litigation through discovery or otherwise, no section 552.103 interest exists with respect to that information. *See Tex. Att'y Gen. ORD-349 (1982)*. Thus, information that has either been obtained from or provided to all parties to the anticipated litigation is not excepted from disclosure under section 552.103. Further, the applicability of section 552.103 ends once the litigation has been concluded. *See Tex. Att'y Gen. Op. No. MW-575 (1982)*.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Ashley Franklin
Assistant Attorney General
Opinion Committee

AF/eb

Ref: ID# 683056

Enc. Submitted documents

c: Requestor
(w/o enclosures)