



Office of the Attorney General

State of Texas

August 11, 1992

DAN MORALES
ATTORNEY GENERAL

Mr. Charles E. Griffith
Deputy City Attorney
City of Austin
Department of Law
P. O. Box 1088
Austin, Texas 78767-8828

OR92-463

Dear Mr. Griffith:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 16669.

The City of Austin (the "city") received an open records request for "all documents ... regarding the legal effect, validity, consequences or possible consequences of the Save Our Springs initiative petition or any ordinance which may be adopted by the City pursuant to an election on said petition." You contend that the requested information comes under the protection of, *inter alia*, the attorney-client privilege as incorporated in section 3(a)(7) of the Open Records Act.

In instances where an attorney represents a governmental entity, the attorney-client privilege protects only an attorney's legal advice and confidential attorney-client communications. *See* Open Records Decision No. 574 (1990). You have submitted as responsive to the open records request six documents, five of which this office has previously ruled may be withheld pursuant to section 3(a)(7) of the act. *See* Open Records Ruling Letter OR92-152 (1992). This office therefore need not further rule on these documents at this time. *See* V.T.C.S. art. 6252-17a, § 7(a). After reviewing the remaining document, a memorandum dated February 7, 1992 from the city attorney to the city clerk, this office has concluded that it also consists solely of the city attorney's legal opinion concerning the Save Our Springs Initiative Petition. Accordingly, the city may also withhold this memorandum in its entirety pursuant to section 3(a)(7).

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR92-463.

Yours very truly,



Susan Garrison
Assistant Attorney General
Opinion Committee

SG/RWP/lmm

Ref.: ID# 16669
ID# 16816

Enclosures: Submitted documents

cc: Mr. John M. Stratford
PAC Director
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(w/o enclosures)