



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 31, 1994

Mr. Bob Schmidt
Assistant Attorney General
General Counsel Division
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548

OR94-717

Dear Mr. Schmidt:

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# 27364.

The Office of the Attorney General (the "OAG") received an open records request for

any and all correspondence between the [OAG] and the Texas Agriculture Finance Authority or Highland Foods of Abilene, as well as any and all correspondence between the [OAG] and the Texas Department of Agriculture regarding either the Texas Agriculture Finance Authority or Highland Foods of Abilene, all from January 1, 1991 to present.

You state that you have released to the requestor numerous documents that are responsive to the request. You seek to withhold two pieces of correspondence under section 552.107(1) of the Government Code.

Section 552.107(1) of the Government Code exempts from required public disclosure "information that the attorney general or an attorney of a political subdivision is prohibited from disclosing because of a duty to the client under the Rules of the State Bar of Texas." See Open Records Decision No. 574 (1990) at 2. Where an attorney represents a governmental entity, the attorney-client privilege protects only the attorney's legal advice and confidential client communications. *Id.*

The two documents you submitted to this office for review reflect both client agencies' confidential requests to the OAG for legal advice and responsive legal advice of assistant attorneys general. As such, these records clearly come within the attorney-client privilege. The OAG therefore may withhold these two records in their entirety under section 552.107(1) of the Government Code.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with an informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact our office.

Yours very truly,



Mary R. Crouter
Assistant Attorney General
Open Government Section

MRC/RWP/rho

Ref.: ID# 27364

Enclosures: Submitted documents

cc: Mr. Joe Cutbirth
Texas Democratic Party
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(w/o enclosures)