



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 10, 1997

Mr. Roland Castaneda
General Counsel
Dallas Area Rapid Transit
P.O. Box 660163
Dallas, Texas 75266-0163

OR97-0519

Dear Mr. Castaneda:

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# 104274.

Dallas Area Rapid Transit (DART) received a request for information from an entity known as Transit Group 2000 relating to DART Solicitation No. 96025124. You state that DART has responded to the request and has provided some of the requested information, but that the remainder of the responsive information is excepted from disclosure under section 552.107(1) of the Government Code. We have considered your argument and have reviewed the information submitted.

Section 552.107(1) of the Government Code protects 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 Texas Rules of Civil Evidence, the Texas Rules of Criminal Evidence, or the Texas Disciplinary Rules of Professional Conduct." See Open Records Decision No. 574 (1990). 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. *Id.* After reviewing the information contained in Exhibits D and E, we conclude that both the memorandum from the General Counsel to the DART board members and their responses to it constitute confidential communications made in the furtherance of the rendition of legal services by the General Counsel to his client, DART, and therefore this information is excepted from disclosure under section 552.107(1).

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.

Yours very truly,


Michael A. Pearle
Assistant Attorney General
Open Records Division

MAP/ch

Ref.: ID# 104274

Enclosures: Submitted documents

cc: Mr. Robert L. Zollars
Transit Group 2000
4311 Oak Lawn Avenue, Suite 300
Dallas, Texas 75219
(w/o enclosures)