



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 19, 1997

Mr. Richard E. Buck
Shafer, Davis, Ashley, O'Leary & Stoker, P.C.
P.O. Drawer 1552
Odessa, Texas 79760-1552

OR97-0568

Dear Mr. Buck:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 104498.

The Medical Center Hospital (the "hospital"), which you represent, received a request for the fee bills submitted to the hospital in connection with Malcolm Hensley's lawsuit against the hospital. You have submitted a representative sample of the fee bills to this office for review.¹ You claim that the highlighted portions of the fee bills are excepted from disclosure under section 552.107 of the Government Code. We have considered the exception you claim and have reviewed the documents at issue.

Section 552.107(1) of the Government Code protects information that an attorney cannot disclose because of a duty to his client. In Open Records Decision No. 574 (1990), this office concluded that section 552.107(1) excepts from public disclosure only "privileged information," that is, factual information or requests for legal advice communicated by the client to the attorney and legal advice or opinion rendered by the attorney to the client. Open Records Decision No. 574 (1990) at 5-7. Section 552.107(1) does not, however, protect purely factual information. *Id.* We have reviewed the highlighted portions of the fee bills and marked those sections that the hospital may withhold 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

¹We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have any questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in cursive script that reads "Karen Hattaway". The signature is written in black ink and is positioned above the typed name.

Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/ch

Ref: ID# 104498

Enclosures: Marked documents

cc: Mr. Gerald K. Fugit
Attorney at Law
412 North Texas
Odessa, Texas 79761
(w/o enclosures)