



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 6, 1997

Ms. Elaine S. Hengen
Assistant City Attorney
City of El Paso
2 Civic Center Plaza
El Paso, Texas 79901-1196

OR97-2453

Dear Ms. Hengen:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 110066.

The City of El Paso received a request for a copy of the requestor's July 10, 1997 open records request and copies of all correspondence between you and the El Paso Police Department (the "police department") regarding the July 10, 1997 open records request. You have provided the requestor with a copy of his July 10, 1997 open records request. You have also provided him with a copy of one memorandum regarding his July 10, 1997 request. You state that the only other document responsive to the pending request is a second memorandum from you to the police department. You contend that this memorandum is excepted from disclosure under section 552.107(1). You assert that portions of the documents attached to this memorandum are protected from disclosure pursuant to Open Records Letter No. 97-1508 (1997).

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.* Having reviewed the memorandum at issue, we conclude that you may withhold it from disclosure pursuant to section 552.107(1).

As for the documents attached to the memorandum, we considered whether those documents had to be publicly disclosed in Open Records Letter No. 97-1508 (1997). Therefore, you may rely

on Open Records Letter No. 97-1508 (1997) as a previous determination for those specific documents.

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 any questions about this ruling, please contact our office.

Yours very truly,



Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/ch

Ref: ID# 110066

Enclosures: Submitted documents

cc: Mr. Michael T. Huscroft
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(w/o enclosures)