

January 7, 1999



OFFICE OF THE
ATTORNEY GENERAL
STATE OF TEXAS

OR99-0020

— * —
JOHN CORNYN
Attorney General

Dear Mr. Caputo:

— * —
P.O. Box 12548
Austin, Texas
78711-2548

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# 120995.

(512) 463-2100
www.oag.state.tx.us

The Eanes Independent School District (the "district"), which you represent, received a request for information pertaining to a second high school. You state that with the exception of the submitted document you will release all responsive documents to the requestor. You claim that the submitted document is excepted from disclosure under section 552.107 of the Government Code. We have considered the exception you claim and reviewed the document at issue.

Section 552.107(1) excepts 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 excepts from public disclosure only "privileged information," that is, information that reflects either confidential communications from the client to the attorney or the attorney's legal advice or opinions; it does not apply to all client information held by a governmental body's attorney. *Id.* at 5. When communications from attorney to client do not reveal the client's communications to the attorney, section 552.107 protects them only to the extent that such communications reveal the attorney's legal opinion or advice. *Id.* at 3. In addition, basically factual communications from attorney to client, or between attorneys representing the client, are not protected. *Id.* We agree that the submitted document contains attorney advice or opinion. Therefore, the district may withhold the submitted document pursuant to section 552.107(1) of the Government Code.

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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 on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



June B. Harden
Assistant Attorney General
Open Records Division

JBH/ch

Ref.: ID# 120995

Enclosures: Submitted documents

cc: Mr. Stephen Sakonchick, II
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Austin, Texas 78746
(w/o enclosures)