



April 5, 1999

Mr. John R. Adamo
Human Resources Attorney
Texas Department of Protective
and Regulatory Services
8100 Cameron Road, Suite 150
Austin, Texas 78754-3814

OR99-0906

Dear Mr. Adamo:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 123195.

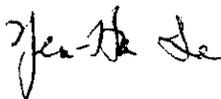
The Texas Department of Protective and Regulatory Services (the "department") received a request for "letters or electronic media between Mr. John Adamo and any other agency or person in reference to information related to" the requestor. You have released some of the requested information. You claim that the remaining internal correspondence is excepted from disclosure under section 552.107 of the Government Code. We have considered the exception you claim and reviewed the information submitted.

Section 552.107(1) excepts information that an attorney cannot disclose because of a duty to his client. In Open Records Decision No. 574, 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. Open Records Decision No. 574 at 5 (1990). 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 have reviewed the submitted information and have marked the information that is excepted from disclosure by section 552.107. You must release the remaining information.

In addition, the requestor asks whether question five in the department's Request for Records Form 4885 is an impermissible inquiry. Question five asks whether the requested record is needed for a court case. Section 552.222(b) of the Government Code provides that a governmental body may not inquire into the purpose for which information will be used. We agree that question five is an impermissible inquiry pursuant to section 552.222(b).

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.

Sincerely,



Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/nc

Ref.: ID# 123195

Enclosures: Marked documents

cc: Mr. Brian Brumley
P.O. Box 72
Sumner, Texas 75486
(w/o enclosures)