



April 26, 1999

Mr. Scott Fawcett  
Legal Counsel  
Comptroller of Public Accounts  
P.O. Box 13528  
Austin, Texas 78711-3528

OR99-1113

Dear Mr. Fawcett:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 125171.

The Comptroller of Public Accounts received a request for “the figures for expenditures by state agency by vendor for legal services provided to the State of Texas.” You seek to withhold the requested information under section 552.107(1).

Section 552.107(1) incorporates the “attorney-client privilege.” It 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.* *See also* Open Records Decision No. 589 (1991) (protected information in attorney billing statements) (copy enclosed) *overruling to extent of conflict* Open Records Decision No. 304 (1982).

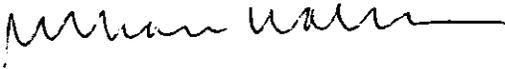
In our opinion, the requested information as to the amounts of state expenditures for legal services “by vendor” is factual information and does not constitute legal advice or confidential attorney-client communications such as to be protected by section 552.107(1). *See* Open Records Decision No. 589. *See also* Gov’t Code § 552.022(3) (information as to amounts of governmental expenditures are public unless made confidential by law.) Therefore, you must release the requested information.<sup>1</sup>

---

<sup>1</sup>We note that you ask that each state agency be permitted to raise objections to disclosure of the responsive information relating to its expenditures. In our opinion, the requested information, standing alone, is public and not subject to any exceptions to disclosure. Therefore, we do not believe it necessary to consider arguments from each affected agency as to whether such information may be withheld.

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.

Sincerely,



William Walker  
Assistant Attorney General  
Open Records Division

WMW/eaf

Ref.: ID# 125171

encl. Submitted documents  
(Open Records Decision No. 589 (1991))

cc: Mr. Mark Rincon  
Strategic Partnerships, Inc.  
111 Congress Avenue, Suite 1200  
Austin, Texas 78701  
(w/ enclosures)  
(Open Records Decision No. 589 (1991))