



July 13, 1999

Mr. Jesus Toscano, Jr.  
Assistant City Attorney  
Office of the City Attorney  
City of Dallas  
2014 Main Street, Room 206  
Dallas, Texas 75201

OR99-1943

Dear Mr. Toscano:

You have asked whether certain information is subject to required public disclosure under the Public Information Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 125692.

The City of Dallas (the "city") received a request for "a copy of any City Attorney opinion or opinions" regarding the "appeal process for Park Department employees who have been terminated." In response to the request, you submit to this office for review the information at issue. You assert that the documents submitted as Exhibit B are excepted from required public disclosure under section 552.107(1) of the Government Code. We have considered the exception and arguments you have raised and reviewed the submitted information

Section 552.107(1) protects from disclosure information that reveals client confidences to an attorney or that reveals the attorney's legal advice, opinion, and recommendation. *See* Open Records Decision No. 574 (1990). Where an attorney represents a governmental entity, the attorney-client privilege protects an attorney's legal advice and confidential attorney-client communications. *Id.* However, section 552.107(1) does not protect purely factual information. *Id.* The information at issue consists of client confidences and attorney advice and opinion. Therefore, you may withhold the information from disclosure pursuant to 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 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

A handwritten signature in black ink that reads "Sam Haddad". The signature is written in a cursive style with a large, looping initial "S".

Sam Haddad  
Assistant Attorney General  
Open Records Division

SH/nc

Ref.: ID# 125692

Encl. Submitted documents

cc: Mr. John A. Haring  
Lyon, Gorsky, Baskett & Haring  
2501 Cedar Springs, Suite 250  
Dallas, Texas 75201  
(w/o enclosures)