



July 26, 1999

Mr. Michael Wied
Attorney, Administration and Northern Legal Services
Texas Water Development Board
P.O. Box 13231
Austin, Texas 78711-3231

OR99-2098

Dear Mr. Wied:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 125963.

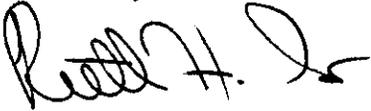
The Texas Water Development Board (the "board") received a request for records of certain applications and loan closings, correspondence, and other categories of information. You submitted documents to this office labeled as Documents #1 through #123. You assert that some of the documents are protected in their entirety from disclosure under section 552.107(1) of the Government Code. You contend that the highlighted portions only of other documents are excepted from disclosure under section 552.107(1) of the Government Code.

Section 552.107(1) excepts from disclosure communications that reveal client confidences or the attorney's legal opinion or advice. Open Records Decision Nos. 589 at 1 (1991), 574 at 3 (1990), 462 at 9-11 (1987). Section 552.107(1) does not except from disclosure factual recounting of events or the documentation of calls made, meetings attended, and memos sent. Open Records Decision No. 574 at 5 (1990). Communications from and to third parties outside the attorney-client relationship are not protected from disclosure. Please note that it was not clear whether some of the notes were created by board attorneys and if some of the information is actually a client confidence or information provided by third parties outside of the attorney-client relationship. We have marked these records to the extent that we could tell what the information at issue pertained to and which parties were included in the conversation. We have marked the information for which you seek section 552.107(1)

protection to show what portions we believe contain protected client confidences or the legal advice, opinion, and recommendation of board attorneys. The marked information may be withheld from disclosure.

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, appearing to read "Ruth H. Soucy". The signature is fluid and cursive, with a prominent initial "R" and a long, sweeping tail.

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref: ID# 125963

Encl. Submitted documents

cc: Mr. Grant D. Godfrey
Save Our Springs Alliance
P.O. Box 684881
Austin, Texas 78768
(w/o enclosures)