



August 11, 1999

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

OR99-2258

Dear Mr. Wied:

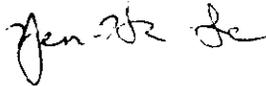
You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 122510.

The Texas Water Development Board (the "board") received a request for information concerning the board's Innovative and Alternative Technology Committee and the board's regional water and wastewater planning fund pertaining to the Lakeway MUD TNRCC Innovative Permit #11495-001. You claim that the requested information 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 (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 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.

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,

A handwritten signature in black ink, appearing to read "Yen-Ha Le". The signature is written in a cursive, flowing style.

Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/nc

Ref.: ID# 126510

Encl.: Marked documents

cc: Ms. Christine Wilson
Lakeway Parents Concerned About Sewage Spray
6 Cloverbrook Court
Village of the Hills, Texas 78738-1324
(w/o enclosures)