



August 12, 1999

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

OR99-2301

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# 126574.

The Texas Water Development Board (the "board") received a request for "South Houston's Financial Assistance Application and any amendments and/or correspondence related thereto." You claim that eight documents are excepted from required public disclosure by section 552.107 of the Government Code. You claim that one page, document 3, is additionally protected from disclosure by sections 552.103 and 552.111 of the Government Code. We presume that all other responsive information has been released to the requestor. We have considered the exceptions you claim and have reviewed the documents you have 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 find that submitted documents 1, 2, and 3 may be withheld in their entirety. We further conclude that marked portions of

documents 4, 5, 6, and 8 may be withheld under section 552.107. Document 7 and the unmarked portions of documents 4, 5, 6, and 8 are purely factual and may not be withheld under this exception.

Because we make a determination under section 552.107 for document 3, we do not address your additional arguments against 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 that reads "Don Ballard". The signature is written in a cursive, slightly slanted style.

Don Ballard
Assistant Attorney General
Open Records Division

JDB\nc

Ref.: ID# 126574

Encl. Submitted documents

cc: Ms. Eloise E. Smith
P.O. Box 87346
Houston, Texas 77287
(w/o enclosures)