



September 10, 1999

Ms. Tenley Aldredge
Assistant County Attorney
County of Travis
P.O. Box 1748
Austin, Texas 78767

OR99-2515

Dear Ms. Aldredge:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 128220.

Travis County received a request for various categories of information relating to a development, Travis Settlement. You seek to withhold a portion of the information responsive to the request under sections 552.107 and 552.111 of the Government Code.

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.* Accordingly, these two classes of information are the only information that may be withheld pursuant to the attorney-client privilege. *See also* Open Records Decision No. 589 (1991) (protected information in attorney billing statements).

In our opinion, you have not demonstrated that the information for which you seek the protection of section 552.107(1) constitutes either client confidences or attorney advice. Therefore, none of the information may be withheld under section 552.107(1).

Section 552.111 excepts interagency and intra-agency memoranda and letters, but only to the extent that they contain advice, opinion, or recommendation intended for use in the entity's policymaking process. Open Records Decision No. 615 (1993). The purpose of this section is "to protect from public disclosure advice and opinions *on policy matters* and to encourage frank and open discussion within the agency in connection with its decision-making processes." *Austin v. City of San Antonio*, 630 S.W.2d 391, 394 (Tex. App.--San Antonio 1982, writ ref'd n.r.e.) (emphasis added.)

In our opinion, the information for which you seek the protection of section 552.111 does not relate to policymaking such as to be within the scope of the section 552.111 exception to disclosure. Therefore none of the requested information may be withheld under section 552.111. You must release the requested 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 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/ch

Ref: ID# 128220

Encl. Submitted documents

cc: Ms. Allison Kalisek
Wright & Greenhill, P.C.
221 West 6th Street, Suite 1800
Austin, Texas 78701
(w/o enclosures)