



October 15, 1999

Ms. Sharron L. Swann  
Hilgers & Watkins  
P.O. Box 2063  
Austin, Texas 78768

OR99-2943

Dear Ms. Swann:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 128160.

The Amarillo Hospital District (the "hospital district") received a request for several categories of information, including written opinions and correspondence submitted to the hospital district by its attorney. You have released most of the requested information to the requestor. However, you contend that the requested written opinions and correspondence are excepted from disclosure pursuant to section 552.101 and 552.107 of the Government Code.<sup>1</sup>

Section 552.107(1) excepts information from disclosure if:

it is 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.

In Open Records Decision No. 574 (1990), this office concluded that section 552.107(1) 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. ORD 574 at 5. Section 552.107(1) does not protect purely factual information. *Id.* For example, section 552.107(1) does not except from disclosure the factual recounting of events or the documentation of calls made, meetings attended, and memos sent. *Id.* Having reviewed the submitted information, we find that most of it is

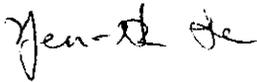
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<sup>1</sup>Section 552.107, rather than section 552.101, is the appropriate section for a governmental body to cite when seeking to except from public disclosure communications between the governmental body and its legal counsel. Open Records Decision No. 574 (1990).

excepted from disclosure under section 552.107(1) as an attorney's legal advice or confidential client communications. Two documents are not excepted under section 552.107 because they are not communications between the hospital district and its attorneys. We have marked the documents that you must release.

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 "Yen-Ha Le".

Yen-Ha Le  
Assistant Attorney General  
Open Records Division

YHL/nc

Ref: ID# 128160

Encl. Marked documents

cc: Ms. Mary Alice Brittain  
2207 S. Bowie  
Amarillo, Texas 79109  
(w/o enclosures)