



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 1, 2015

Ms. Tabitha Thomann
Counsel for the Town of Addison
Cowles & Thompson
901 Main Street, Suite 3900
Dallas, Texas 75202

OR2015-06250

Dear Ms. Thomann:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 561376.

The Town of Addison (the "town"), which you represent, received a request for "the email list that the Mayor's newsletter goes out to (sic)." You claim the submitted information is excepted from disclosure under section 552.137 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially, we note portions of the submitted information are not e-mail addresses and are not responsive to the present request. The town need not release non-responsive information in response to this request, and this ruling will not address that information.

Section 552.137 of the Government Code provides in part:

- (a) Except as otherwise provided by this section, an e-mail address of a member of the public that is provided for the purpose of communicating electronically with a governmental body is confidential and not subject to disclosure under this chapter.

...

(c) Subsection (a) does not apply to an e-mail address:

- (1) provided to a governmental body by a person who has a contractual relationship with the governmental body or by the contractor's agent;
- (2) provided to a governmental body by a vendor who seeks to contract with the governmental body or by the vendor's agent;
- (3) contained in a response to a request for bids or proposals, contained in a response to similar invitations soliciting offers or information relating to a potential contract, or provided to a governmental body in the course of negotiating the terms of a contract or potential contract;
- (4) provided to a governmental body on a letterhead, coversheet, printed document, or other document made available to the public; or
- (5) provided to a governmental body for the purposes of providing public comment on or receiving notices related to an application for a license as defined by Section 2001.003(2) of this code, or receiving orders or decisions from a governmental body.

Gov't Code § 552.137(a), (c). Thus, unless an exception under subsection (c) of the statute applies, a governmental body must withhold an e-mail address of a member of the public unless the individual to whom the e-mail address belongs affirmatively consents to its public disclosure. *See id.* § 552.137(b). Section 552.137(a) is not applicable to an institutional e-mail address, an internet website address, or an e-mail address a governmental body provides for the use of its officials or employees. *See id.* § 552.137(a), (c).

You state the submitted responsive information consists of e-mail addresses provided to the town in order to receive a weekly newsletter. We note the submitted e-mail addresses include e-mail addresses provided to officials or employees by a governmental body that are not confidential under section 552.137 and must be released. Furthermore, to the extent any submitted e-mail addresses are excluded by section 552.137(c) such information is not confidential under section 552.137 and must be released.

Thus, to the extent the submitted responsive information consists of e-mail addresses that belong to members of the public who have not affirmatively consented to their release, the town must withhold those e-mail addresses under section 552.137 of the Government Code. However, the town may not withhold any e-mail addresses that are of the type listed in subsection 552.137(c). The remaining submitted e-mail addresses must be released.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Ramsey A. Abarca
Assistant Attorney General
Open Records Division

RAA/eb

Ref: ID# 561376

Enc. Submitted documents

c: Requestor
(w/o enclosures)

