



THE ATTORNEY GENERAL  
OF TEXAS

JIM MATTOX  
ATTORNEY GENERAL

March 22, 1990

Mr. A. W. Pogue  
Commissioner of Insurance  
State Board of Insurance  
1100 San Jacinto  
Austin, Texas 78701-1998

OR90-099

Dear Mr. Pogue:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 8471.

The State Board of Insurance (SBI) received an open records request for a copy of "a legal opinion prepared several years ago by a staff attorney . . . interpreting Tex. Ins. Code Ann. art. 21.21 §4 (8) regarding rebates." The request did not otherwise specify the requested document. You submitted to this office for review four memoranda that meet the general description of the requested document and contend that these documents come under the protection of section 3(a)(7).

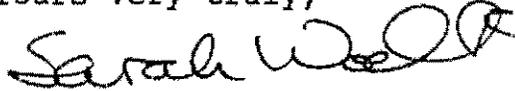
A previous determination of this office, Open Records Decision No. 462 (1987), resolves your request with regard to three of the memoranda. The attorney-client privilege aspect of section 3(a)(7) protects an attorney's written legal advice. Open Records Decision No. 462. The advice need not be related to litigation to be excepted under section 3(a)(7). Open Records Decision No. 462. Three of the memoranda were prepared by SBI staff attorneys and clearly constitute legal advice; these documents may be withheld pursuant to section 3(a)(7).

The remaining memorandum was not, however, prepared by an attorney; consequently this document does not come within the scope of the open records request. We therefore do not consider whether the document could be withheld from public disclosure if requested.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a

published open records decision. If you have questions about this ruling, please refer to OR90-099.

Yours very truly,

A handwritten signature in black ink, appearing to read "Sarah Woelk". The signature is fluid and cursive, with a large, stylized "S" and "W".

Sarah Woelk  
Assistant Attorney General  
Opinion Committee

SW/RWP/le

Ref.: ID# 8471

Enclosure: Open Records Decision No.

cc: Joseph C. Boggins  
DeLeon, Boggins & Richards  
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