



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 31, 1994

Mr. Richard D. Monroe
Deputy General Counsel
Texas Department of Transportation
Dewitt C. Greer State Highway Bldg.
125 E. 11th Street
Austin, Texas 78701-2483

OR94-719

Dear Mr. Monroe:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 28952.

The Texas Department of Transportation (the "department") received a request for all documents pertaining to its file on Complaint No. 94A-C012. You seek to withhold from required public disclosure two documents based on section 552.107(1) of the Government Code.

Section 552.107(1) excepts from required public disclosure

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 Rules of the State Bar of Texas.

This exception applies only to information that reveals attorney advice and opinion or client confidences. *See* Open Records Decision No. 574 (1990).

We have reviewed the two documents. The first document is a memorandum from you to Mr. Edwin M. Sims of the department's Civil Rights Division. Portions of that memorandum contain legal advice and opinion. Therefore, the department may withhold those portions from required disclosure under section 552.107(1) of the Government Code. We have marked the document accordingly.

The second document contains an investigator's notes concerning a conversation with you. We agree that these notes contain legal advice and opinion. Thus, the department may withhold the notes in their entirety from required public disclosure pursuant to section 552.107(1).

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 contact our office.

Yours very truly,



Kay Guajardo
Assistant Attorney General
Open Government Section

KHG/KKO/rho

Ref.: ID# 28952

Enclosures: Marked documents

cc: Ms. Joyce Reed
P. O. Box 3454
Early, Texas 76803
(w/o enclosures)