



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

February 14, 1996

Mr. John Steiner, Division Chief
City of Austin
Norwood Tower, 114 West 7th Street
P.O. Box 1088
Austin, Texas 78767-1088

OR96-0183

Dear Mr. Steiner:

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 # 38473.

The City of Austin (the "city") received a request for documents relating to an age discrimination grievance pertaining to a city employee. You state that the city has released most of the requested information to the requester. However, you contend the remainder of the requested information is excepted from required public disclosure under section 552.107 of the Government Code. We have considered the exception you claim and have reviewed the documents at issue.

Section 552.107(1) excepts information that an attorney cannot disclose because of a duty to his client. In Open Records Decision No. 574 (1990), this office concluded that section 552.107 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. *Id.* at 5.

We have reviewed Exhibit B1 which consists of a draft document which was part of the communication from the city's representative to the attorney for the purpose of securing legal advice. The document reveals the attorney's legal opinion or advice. We agree that Exhibit B1 may be withheld from disclosure. Exhibit B2 documents the legal advice and opinion rendered to the city representative and, as such, may be withheld from disclosure pursuant to section 552.107.

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.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Janet I. Monteros', written over the typed name.

Janet I. Monteros
Assistant Attorney General
Open Records Division

JIM/ch

Ref.: ID# 38473

Enclosures: Submitted documents