



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

June 13, 1996

Mr. C. Ed Davis  
Deputy Director for Legal Services  
Texas Department of Protective and Regulatory Services  
P.O. Box 149030  
Austin, Texas 78714-9030

OR96-0944

Dear Mr. Davis:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 40006.

The Texas Department of Protective and Regulatory Services (the "department") received a request for:

[A]ll documents prepared or received by the staff of Texas Department of Protective and Regulatory Services regarding:  
\* SB 14 in the 74th Legislative session, the Attorney General's rules or guidelines concerning takings impact assessments required by SB 14, any analysis or discussion of whether any particular action of the agency requires a takings impact assessment, subjects the agency to a clause under SB 14, the cost of SB 14 to the agency, the applicability to any action of SB 14, any legal analysis of SB 14, takings impact assessments or takings lawsuit or claims generally.

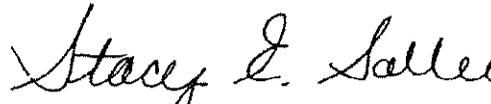
You claim that the requested information is excepted from disclosure under sections 552.107 and 552.111 of the Government Code. We have considered the exceptions you claimed and have reviewed the documents at issue.

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. Open Records Decision No. 574 (1990) at 5. We conclude that the three memoranda that you have submitted to this office for review may be withheld from disclosure under section 552.107(1).

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,



Stacy E. Sallee  
Assistant Attorney General  
Open Records Division

SES/ch

Ref.: ID# 40006

Enclosures: Submitted documents

cc: Mr. Jim Marston  
Director, Texas Office  
Environmental Defense Fund  
44 East Avenue, Suite 304  
Austin, Texas 78701  
(w/o enclosures)