



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

January 9, 1997

Mr. Haygood Gulley
Doran, Gulley & Etzel
P.O. Box 420248
Del Rio, Texas 78842-0248

OR97-0029

Dear Mr. Gulley:

On behalf of the San Felipe Del Rio Consolidated Independent School District (the "district"), you ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 102846.

The district received a request for "[a]ll information provided by any and all SFDRICISD attorneys or legal counsel related to continuing contracts which was provided to the school board" and a "complete copy of the health insurance contract between SFDRICISD and TASB." You seek to withhold two letters, responsive to the first part of the request pursuant to sections 552.106 and 552.107 of the Government Code.¹

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. When communications from attorney to client do not reveal the client's communications to the attorney, section 552.107 protects them only to the extent that such communications reveal the attorney's legal opinion or advice. *Id.* at 3. In addition, basically factual communications from attorney to client, or between attorneys representing the client, are not protected. *Id.* Having reviewed the submitted correspondence, we agree that these letters may be withheld in their entirety under section 552.107 of the Government Code.²

¹As you raise no exceptions to the second part of the request, we assume that you have provided the requestor with a complete copy of the requested health insurance contract.

²As we resolve this matter under section 552.107, we need not consider the other exception you have raised. For purposes of this decision, we assume the attorney-client privilege has not been waived through public discussion of the information.

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 may 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,



Michael A. Pearle
Assistant Attorney General
Open Records Division

MAP/ch

Ref.: ID# 102846

Enclosures: Submitted documents

cc: Ms. Jane Goodson
Del Rio American Federation of Teachers
104-A Fletcher Drive
Del Rio, Texas 78840
(w/o enclosures)