



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

April 22, 1997

Ms. Jennifer D. Soldano
Assistant General Counsel
Texas Department of Transportation
Dewitt C. Greer State Highway Building
125 E. 11th Street
Austin, Texas 78701-2483

OR97-0906

Dear Ms. Soldano:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 106234.

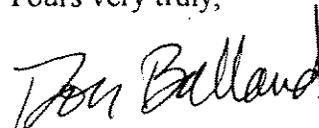
The Texas Department of Transportation (the "department") received a request for information regarding the Chaparral Rails to Trail between Farmersville, Texas and the outskirts of Paris, Texas.¹ You state that the department will release most of the requested information. However, you claim that one document is excepted from disclosure under section 552.107(1) of the Government Code. We have considered the exception you claim and reviewed the submitted information.

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 have marked the information that may be withheld under section 552.107(1). The remaining information may not be withheld from required public disclosure.

¹The request also seeks information about future public meetings. This office has previously ruled that a governmental body need not honor a standing request. A "standing request" refers to a request to provide information "on a periodic basis," *see* Open Records Decision No. 465 (1987); a weekly basis, *see* Open Records Decision No. 476 (1987); or to provide information that has not yet been recorded, *see* Open Records Decision No. 452 (1986). The request is a standing request, as it seeks information that has not yet been recorded. Therefore, the city is not obliged to comply with this part of the request.

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 on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



Don Ballard
Assistant Attorney General
Open Records Division

JDB/SES/glg

Ref.: ID# 106234

Enclosure: *Marked document*

cc: Mr. Lewis Dodd
Hill Country Heritage Association
729 South Washington
Fredericksburg, Texas 78624
(w/o enclosure)