



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

May 9, 1997

Ms. Deborah L. Churchill  
General Counsel  
Texas Department of Protective  
and Regulatory Services  
P.O. Box 149030, E-654  
Austin, Texas 78714-9030

OR97-1083

Dear Ms. Churchill:

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# 34341.

The Texas Department of Protective and Regulatory Services (the "department") received a request on behalf of a department employee for "all documents related to [an investigation of allegations against the department employee] which are in her personnel file or any other records which you may have." You advise that the department has released to the requestor a typed note written by the department's Adult Protective Services Regional Director. However, you claim that the remainder of the requested information is excepted from disclosure under section 552.107 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. 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. You explain that the handwritten portions of the submitted material contain

the legal advice of the department's regional attorney. We have reviewed the information submitted to this office for review, and conclude that the handwritten portions may be withheld from disclosure under section 552.107 of the Government Code.

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,



Vickie Prehoditch  
Assistant Attorney General  
Open Records Division

VDP/glg

Ref.: ID# 34341

Enclosures: Submitted documents

cc: Mr. Sam R. Moseley  
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(w/o enclosures)