



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 19, 1997

Ms. Doreen E. McGookey
Assistant City Attorney
Supervisor, Criminal Law and Police Section
Office of the City Attorney
City of Dallas
City Hall
Dallas, Texas 75201

OR97-1140

Dear Ms. McGookey:

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# 106900.

The City of Dallas (the "city") received a request for 1) the written legal opinion issued by a city attorney concerning the requestor's employment with the city, and 2) the "researched documents and/or formulas" used by the attorney in making her determination. You claim that the attorney's opinion letter is excepted from disclosure by sections 552.101 and 552.107 of the Government Code. As you have not submitted the requested "researched documents and/or formulas" for our review, we assume that you have made these documents available to the requestor. We have considered the exceptions 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. *Id.* We find that the attorney's letter opinion reveals the attorney's legal

opinion or advice and, therefore, may be withheld from public disclosure under 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 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# 106900

Enclosures: Submitted documents

cc: Mr. Harold B. Cornish
601 Nora Lane
DeSoto, Texas 75115
(w/o enclosures)