



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

September 24, 1997

Mr. David B. Casas  
Assistant City Attorney  
City of San Antonio  
P.O. Box 639966  
San Antonio, Texas 78283-3966

OR97-2135

Dear Mr. Casas:

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# 109241.

The City of San Antonio (the "city") received a request for various information related to the development of a city workplace charitable deduction campaign. Among other items, the requestor seeks "correspondence from legal counsel and other city staff related to policies, criteria, procedures and decisions." You assert that this information is excepted from disclosure pursuant to section 552.107 of the Government Code.<sup>1</sup> We have considered your arguments and have reviewed the information submitted.

Section 552.107 excepts information from disclosure if:

it is information that the attorney general or an attorney of a political subdivision is prohibited from disclosing because of a duty to the client under the Texas Rules of Civil Evidence, the Texas Rules of Criminal Evidence, or the Texas Disciplinary Rules of Professional Conduct.

Gov't Code § 552.107. 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. Section 552.107(1) does not protect purely factual information. *Id.*

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<sup>1</sup>As you raise no exceptions for withholding the other items of information requested, we assume you have either released this information to the requestor, or that this information does not exist.

Upon review of the documents submitted to this office, we conclude that you may withhold from disclosure a portion of the information contained therein under section 552.107(1). We have marked this information for your convenience.

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,



Michael A. Pearle  
Assistant Attorney General  
Open Records Division

MAP/ch

Ref.: ID# 109241

Enclosures: Marked documents

cc: Ms. Cathy Brunocard  
1305 Abbey Road  
Round Rock, Texas 78681  
(w/o enclosures)