



Office of the Attorney General  
State of Texas

December 9, 1997

DAN MORALES  
ATTORNEY GENERAL

Mr. Roland Castañeda  
General Counsel  
Dallas Area Rapid Transit  
P.O. Box 660163  
Dallas, Texas 75266-0163

OR97-2679

Dear Mr. Castañeda:

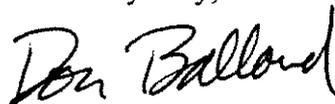
You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 111047.

The Dallas Area Rapid Transit ("DART") has received three requests from the same requestor for more than thirty categories of information relating to DART's solicitation for reprographic services, number B-97032113. You state that you have released all responsive information to the requestor, approximately 300 pages, except for several pages that you claim are excepted from required public disclosure under section 552.107 of the Government Code. We have considered the exception you claim and have reviewed the documents you seek to withhold.

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.* We find that some of the submitted documents reveal the attorney's legal opinion or advice, and therefore, may be withheld under section 552.107. We have marked the information that you may withhold. As for the remaining information, it is either factual, or we were unable to determine and you did not explain how or why it is protected by 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 upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Don Ballard  
Assistant Attorney General  
Open Records Division

JDB/ch

Ref: ID# 111047

Enclosures: Marked documents

cc: Mr. Michael A. Elam  
President/CEO  
Paradigm Business Communications  
10875 Plano Road #103  
Dallas, Texas 75238  
(w/o enclosures)