



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

February 4, 1998

Mr. William T. Buida
Assistant General Counsel
Texas Department of Human Services
P.O. Box 149030
Austin, Texas 78714-9030

OR98-0345

Dear Mr. Buida

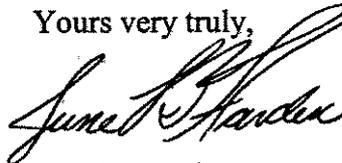
You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 112245.

The Texas Department of Human Services (the "department") received three requests for information relating to the requestor. You state that the department has provided or is willing to provide some of the information to the requestor. You explain that one of the requests may encompass information related to pending complaints before the Equal Employment Opportunity Commission ("EEOC"). You claim that the requests for information are invalid. In the alternative, you argue that to the extent the requests seek the submitted records, you wish to withhold them under section 552.103 of the Government Code. We have considered your arguments and have reviewed the documents at issue.

Initially, you contend that the requests for information are improper. We note that all of the requests were sent via electronic mail. During the Seventy-fifth legislative session, section 552.301 of the Open Records Act was amended to provide "that a written request includes a request made in writing that is sent to the officer for public information, or the person designated by that officer, by electronic mail or facsimile transmission." Gov't Code 552.301. Prior to this amendment, electronic mail requests were not considered "written" requests for the purposes of the Open Records Act. In this instance, the department received two of the requests before the effective date of the amendment, September 1, 1997. Consequently, the department need not respond to these requests for information. The department received a third electronic mail request after September 1, 1997. The department states that it will provide the requested information if it can be located. Therefore, our ruling does not address this information.

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,



June B. Harden
Assistant Attorney General
Open Records Division

JBH/alg

Ref.: ID# 112245

Enclosures: Submitted documents

cc: Ms. Pamela Derry
127 Prehude
San Antonio, Texas 78220
(w/o enclosures)