



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

May 18, 1998

Ms. Tracy B. Calabrese  
Assistant City Attorney  
City of Houston  
Legal Department  
P.O. Box 1562  
Houston, Texas 77251-1562

OR98-1231

Dear Ms. Calabrese:

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# 115844.

The City of Houston (the "city") received a request for information pertaining to the city's compliance with the Davis Bacon Act, use of federal funds or the R.T.C.. Property fund, contracts involving the city and Houston Renaissance, Inc., as parties, and the Gulfgate Mall. You claim that a small portion of the requested information is excepted from disclosure under section 552.107 of the Government Code.<sup>1</sup> 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. *Id.* After reviewing the submitted documents, we conclude that you may withhold the information that you have marked under section 552.107 of the Government Code.

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<sup>1</sup>In its initial brief, the city also claimed exceptions under sections 552.103 and 552.111, which the city has now withdrawn.

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/gle

Ref.: ID# 115844

Enclosures: Submitted documents

cc: Mr. David A. Kahne  
Legal Director  
Civil Liberties Foundation  
P.O. Box 66386  
Houston, Texas 77266  
(w/o enclosures)