



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 3, 1998

Ms. Lan P. Nguyen
Assistant City Attorney
City of Houston
Legal Department
P.O. Box 1562
Houston, Texas 77251-1562

OR98-2119

Dear Ms. Nguyen:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 117736.

The City of Houston (the "city") received a request for legal opinions relating to streets, alleys, or easements in Houston Heights.¹ You submitted responsive documents to this office, but assert that they are protected from disclosure in their entirety under section 552.107(1) of the Government Code. Section 552.107(1) provides an exception for information within the attorney-client privilege that contains legal advice, legal opinion, or that reveals client confidences. Open Records Decision Nos. 574 (1990), 462 at 9-11 (1987) However, section 552.107 does not except from disclosure a "basically factual recounting of events." Open Records Decision No. 574 at 5 (1990). It also does not except from disclosure "the attorney's mere documentation of calls made, meetings attended or memos sent . . . if no notes revealing the attorney's legal advice or the client's confidences are included." *Id.*

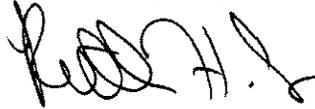
We have reviewed the documents at issue, and agree that much of the information is protected from disclosure under section 552.107(1). We have marked the records to

¹The requestor has expressed concern that the city's request for a decision to this office was not timely made. The city received the request on June 2, 1998, and sought a decision from this office within the tenth business day following receipt of the request, which was June 16, 1998. Section 552.301 of the Government Code provides that a governmental body which seeks to withhold information must seek a decision from this office within ten business days following receipt of the request.

indicate which records in their entirety are excepted from disclosure, and which portions of the other records are excepted from disclosure. We also note that you submitted some records that, if they have been made part of the public record or were otherwise made public, may not now be withheld from disclosure under section 552.107(1). Gov't Code § 552.007.

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,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref: ID# 117736

Enclosures: Marked documents

cc: Ms. Tracey D. Conwell
Attorney at Law
518 E. 9th Street
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(w/o enclosures)