



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 23, 1998

Ms. Gail L. Allan
Director, Administration and Northern Legal Services
Texas Water Development Board
P.O. Box 13231
Austin, Texas 78711-3231

OR98-2811

Dear Ms. Allan:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 119664.

The Texas Water Development Board ("TWDB") received a request for access to certain documents related to an application for financial assistance submitted by the City of Corsicana. You contend that some of the requested information is excepted from disclosure under section 552.107(1) of the Government Code. You have submitted documents for our review and indicated the information you seek to withhold. We assume that you have released all responsive information not submitted to this office for review. We have considered the exception raised and the provided information.

Section 552.107(1) 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. However, 552.107(1) does not apply to all client information held by a governmental body's attorney; rather, it excepts from public disclosure only "privileged information," *i.e.* communications made to the attorney in confidence and in furtherance of rendering professional services. Information gathered by an attorney as a fact-finder, purely factual information, and the factual recounting of events including the documentation of calls made, meetings attended, and memos sent, are examples of information that are not excepted from disclosure by section 552.107(1). Open Records Decision No. 574 (1990).

You contend that document numbers 1, 2, 3, 4, 5, 7, and 8 in their entirety and the highlighted portion of document 6 are memorialized communications made from or to

TWDB attorneys made in the furtherance of rendering professional services. Much of this notation is purely factual and is therefore not excepted from disclosure. That information that is excepted from disclosure has been marked it accordingly, and may be withheld.

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 Jay Burns
Assistant Attorney General
Open Records Division

MJB/ch

Ref: ID# 119664

Enclosures: Submitted documents

cc: Ms. M. Juanita Jacot
Bickerstaff, Heath, Smiley, Pollan, Keever & McDaniel, L.L.P.
1700 Frost Bank Plaza
816 Congress Avenue
Austin, Texas 78701-2443
(w/o enclosures)