



May 4, 1999

Mr. Hugh W. Davis, Jr.
Assistant City Attorney
City of Fort Worth
1000 Throckmorton Street
Fort Worth, Texas 76102-6311

OR99-1221

Dear Mr. Davis:

You ask whether certain information is subject to required public disclosure under the Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 123765.

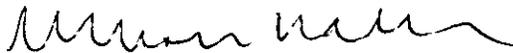
The City of Fort Worth (the "city") received an open records request for records pertaining to an ethics violation of a city council member. You state that most of the requested information will be released to the requestor. You seek to withhold, however, one memorandum from the city attorney to the city manager pursuant to section 552.107(1) of the Government Code.

Section 552.107(1) of the Government Code protects information coming within the attorney-client privilege. *See* Open Records Decision No. 574 (1990). In instances where an attorney represents a governmental entity, the attorney-client privilege protects only an attorney's legal advice and client confidences. *Id.* Some of the information in the memorandum is purely factual in nature and as such may not be withheld pursuant to section 552.107(1). We have marked the portions of the memorandum that the city may withhold pursuant to the attorney-client privilege. The remaining portions of the memorandum must be released to the requestor.

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.

Sincerely,



William Walker
Assistant Attorney General
Open Records Division

WMW/RWP/eaf

Ref.: ID# 123765

Encl. Marked documents

cc: Mr. Michael Jones
Voice of the Elephant
P.O. Box 162644
Fort Worth, Texas 76161-2644
(w/o enclosures)