



June 10, 1999

Mr. Terrence S. Welch
Bickerstaff, Heath, Smiley, Pollan, Kever & McDaniel, L.L.P.
3000 Bank One Center
1717 Main Street
Dallas, Texas 75201-4335

OR99-1633

Dear Mr. Welch:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 126819.

The Town of Flower Mound (the "town"), which you represent, received a request for a letter from the town attorney concerning the town's "west side annexation." You contend that the requested information is excepted from disclosure pursuant to section 552.107 of the Government Code.

Section 552.107(1) of the Government Code protects 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(1) excepts from public disclosure only "privileged information," that is, information that reflects the client's confidential communications to the attorney and the attorney's legal advice or opinions. Open Records Decision No. 574 at 5-7 (1990). Section 552.107(1) does not, however, protect purely factual information. *Id.* We conclude you may withhold the requested letter under section 552.107 as it reflects an attorney's legal advice or opinions.

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 any questions about this ruling, please contact our office.

Sincerely,

Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/nc

Ref: ID# 126819

Encl.: Submitted documents

cc: Mr. Bryon Okada
3201 Airport Fwy, Suite 108
Bedford, Texas 76021
(w/o enclosures)