



September 16, 1999

Mr. John Steiner
Division Chief
City of Austin
P.O. Box 1088
Austin, Texas 78767-1088

OR99-2590

Dear Mr. Steiner:

You ask whether certain information is subject to required public disclosure under the Texas Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 127555.

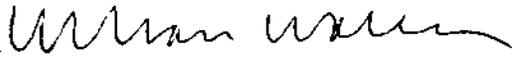
The City of Austin (the "city") received a written request for records pertaining to complaints the city has received regarding library patrons accessing pornographic or sexually explicit material on public Internet terminals. You contend that certain documents that are responsive to the request are excepted from required public disclosure pursuant to section 552.107(1) of the Government Code. In Open Records Letter No. 97-2830 (1997), this office ruled on the applicability of section 552.107(1) to most of the records at issue; consequently, we need not further address those particular documents at this time. *See Gov't Code* § 552.301(a). You have submitted, however, four additional documents not addressed in our prior ruling that you seek to withhold pursuant to section 552.107(1).

Section 552.107(1) protects 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." *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 confidential attorney-client communications. *Id.* After reviewing the documents before us, we agree that the documents, or for one

document, the handwritten notations contained therein, are protected under the attorney-client privilege and thus may be withheld pursuant to section 552.107(1).

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/ch

Ref.: ID# 127555

Encl. Submitted documents

cc: Mr. David Burt
President
Filtering Facts
210 South State Street, # 7
Lake Oswego, Oregon 97034
(w/o enclosures)