



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 14, 2008

Ms. Lisa A. Brown
Bracewell & Giuliani, L.L.P.
711 Louisiana Street, Suite 2300
Houston, Texas 77002-2770

OR2008-09463

Dear Ms. Brown:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 315739.

The Humble Independent School District (the "district"), which you represent, received a request to inspect records pertaining to the requestor's family, including specifically: any records at four specific schools; any and all records of nine district employees; a list of any and all records reviewed by four identified individuals; any and all documents maintained by eight individuals or offices, including offices of the district's general counsel and the district's external legal counsel; and a detailed list of documents, files, communications, billing records, and complaints as maintained by eight individuals or offices including the law offices of the district's general counsel and the district's external legal counsel.¹ The requestor also seeks affidavits verifying that certain information does not exist and a detailed listing of all records pertaining to her family.² You state that you have released or will

¹You inform us that on May 9, 2008, the department received from the requestor a clarification of the request, which limits the scope of her request to public information and education records concerning her family. *See Gov't Code* § 552.222(b) (stating that if information requested is unclear to governmental body or if large amount of information has been requested, governmental body may ask requestor to clarify or narrow request, but may not inquire into purpose for which information will be used); *Open Records Decision No. 663 at 5 (1999)* (ten business-day deadline tolled while governmental body awaits clarification).

²We note that the Act does not require a governmental body to release information that did not exist when it received a request or create responsive information. *See Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.—San Antonio 1978, writ dismissed); *Open Records Decision Nos. 605 at 2 (1992)*, 555 at 1 (1990), 452 at 3 (1986), 362 at 2 (1983).

release some of the requested information. You state that the district does not have information responsive to a portion of the request. You claim that the submitted information is excepted from disclosure under sections 552.101, 552.103, 552.107, and 552.111 of the Government Code.³ The district also asserts the information is protected under the attorney-client privilege pursuant to Texas Rule of Evidence 503 and federal law and the work product privilege under Texas Rules of Civil Procedure 192.5 and 193.3(c), as well as rule 1.05 of the Texas Disciplinary Rules of Professional Conduct and federal law.⁴ The district asserts that portions of the information are confidential under the Family Education and Privacy Act ("FERPA"), section 1232g of title 20 of the United States Code, to the extent the information concerns a student other than the requestor's child. We have considered the exceptions you claim and reviewed the submitted representative sample information.⁵

Initially, you inform us that a portion of the requested information is the subject of previous requests for information, as a result of which this office issued Open Records Letter Nos. 2008-08049 (2008), 2008-04879 (2008), 2008-00301(2008), 2007-07005 (2007), 2007-16878 (2007), 2007-16875 (2007), 2007-04806 (2007), 2006-13320 (2006), and 2006-14618 (2006). With regard to information in the current request that is identical to the information previously requested and ruled upon by this office, we conclude that, as we have no indication that the law, facts, and circumstances on which the prior rulings were based have changed, the district must continue to rely on the rulings as previous determinations and withhold or release this information in accordance with Open Records Letter Nos. 2008-08049 (2008), 2008-04879 (2008), 2008-00301(2008), 2007-07005 (2007), 2007-16878 (2007), 2007-16875 (2007), 2007-04806 (2007), 2006-13320 (2006), and 2006-14618 (2006). *See* Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure). With regard to the information at issue in Open Records Letter No. 2007-00129 (2007), the district may rely on the Agreed Final Judgment in *Humble Independent School District v. Abbott*, Cause No. D-1-GV-07-000097 (345th Dist. Ct., Travis County, Tex. Dec. 18, 2007) to release or withhold the information at issue.

³Although the district initially raised sections 552.102, 552.117, and 552.137, the district has provided no arguments with regard to these exceptions and we, consequently, do not address them.

⁴We note that section 552.101 of the Government Code does not encompass the attorney-client and attorney work product privileges. *See* Open Records Decision No. 676 at 1-3 (2002) (section 552.101 does not encompass discovery privileges).

⁵We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

Next, we note that the United States Department of Education Family Policy Compliance Office (the "DOE") has informed this office that FERPA does not permit state and local educational authorities to disclose to this office, without parental consent, unredacted, personally identifiable information contained in education records for the purposes of our review in the open records ruling process under the Act.⁶ Consequently, state and local educational authorities that receive a request for education records from a member of the public under the Act must not submit education records to this office in unredacted form, that is, in a form in which "personally identifiable information" is disclosed. *See* 34 C.F.R. § 99.3 (defining "personally identifiable information"). You have submitted for our review redacted and unredacted education records. Because our office is prohibited from reviewing education records, we will not address the applicability of FERPA to the information at issue, other than to note that parents have a right of access to their own child's education records and that their right of access prevails over a claim under section 552.103 of the Government Code.⁷ *See* 20 U.S.C. § 1232g(a)(1)(A); 34 C.F.R. § 99.3; Open Records Decision No. 431 (1985) (information subject to right of access under FERPA may not be withheld pursuant to statutory predecessor to Gov't Code § 552.103). Such determinations under FERPA must be made by the educational authority in possession of the education record. The DOE also has informed this office, however, that a parent's right of access under FERPA to information about that parent's child does not prevail over an educational institution's right to assert the attorney-client and attorney work product privileges.⁸ Therefore, to the extent that the requestor has a right of access under FERPA to any of the information for which you claim the attorney-client and attorney work product privileges, we will address your assertion of these privileges under sections 552.107 and 552.111 and for any information subject to section 552.022, Texas Rule of Evidence 503 and Texas Rule of Civil Procedure 192.5.

We next note that the submitted information contains information that is subject to section 552.022. Section 552.022 of the Government Code provides in relevant part:

(a) Without limiting the amount or kind of information that is public information under this chapter, the following categories of information are public information and not excepted from required disclosure under this chapter unless they are expressly confidential under other law:

....

⁶A copy of this letter may be found on the Office of the Attorney General's website: <http://www.oag.state.tx.us/open/20060725usdoe.pdf>.

⁷In the future, if the district does obtain parental consent to submit unredacted education records, and the district seeks a ruling from this office on the proper redaction of those education records in compliance with FERPA, we will rule accordingly.

⁸Ordinarily, FERPA prevails over an inconsistent provision of state law. *See Equal Employment Opportunity Comm'n v. City of Orange, Tex.*, 905 F.Supp. 381, 382 (E.D. Tex. 1995); ORD 431 at 3.

(12) final opinions, including concurring and dissenting opinions, and orders issued in the adjudication of cases;

...

(16) information that is in a bill for attorney's fees and that is not privileged under attorney-client privilege[.]

Gov't Code § 552.022(a)(12), (16). Section 552.022(a) makes these types of information expressly public unless they contain information that is expressly confidential under other law. The submitted information includes documents that are subject to sections 552.022(a)(12) and 552.022(a)(16). These documents must therefore be released under section 552.022 unless the information is expressly made confidential under other law. Sections 552.103, 552.107, and 552.111 of the Government Code are discretionary exceptions under the Act that protect a governmental body's interests and may be waived. *See id.* § 552.007; Open Records Decision Nos. 677 at 10 (2002) (attorney-client privilege under section 552.111 may be waived); 676 at 10-11 (2002) (attorney-client privilege under section 552.107(1) may be waived), 665 at 2 n.5 (2002) (discretionary exceptions generally). As such, sections 552.103, 552.107, and 552.111 are not "other law" that make information confidential for the purposes of sections 552.022. Therefore, the district may not withhold any of the information that is subject to section 552.022 under sections 552.103, 552.107, or 552.111.

The Texas Supreme Court has held, however, that the Texas Rules of Evidence and the Texas Rules of Civil Procedure are "other law" within the meaning of section 552.022. *See In re City of Georgetown*, 53 S.W.3d 328, 336 (Tex. 2001). The attorney-client privilege also is found at Texas Rule of Evidence 503, and the attorney work product privilege is found at Texas Rule of Civil Procedure 192.5. Accordingly, we will consider your assertion of these privileges under rule 503 and rule 192.5 for the submitted information subject to section 552.022.

Texas Rule of Evidence 503 encompasses the attorney-client privilege and provides:

A client has a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications made for the purpose of facilitating the rendition of professional legal services to the client:

(A) between the client or a representative of the client and the client's lawyer or a representative of the lawyer;

(B) between the lawyer and the lawyer's representative;

(C) by the client or a representative of the client, or the client's lawyer or a representative of the lawyer, to a lawyer or a

representative of a lawyer representing another party in a pending action and concerning a matter of common interest therein;

(D) between representatives of the client or between the client and a representative of the client; or

(E) among lawyers and their representatives representing the same client.

TEX. R. EVID. 503(b)(1). A communication is "confidential" if not intended to be disclosed to third persons other than those to whom disclosure is made in furtherance of the rendition of professional legal services to the client or those reasonably necessary for the transmission of the communication. *Id.* 503(a)(5). Thus, in order to withhold attorney-client privileged information from disclosure under rule 503, a governmental body must: (1) show that the document is a communication transmitted between privileged parties or reveals a confidential communication; (2) identify the parties involved in the communication; and (3) show that the communication is confidential by explaining that it was not intended to be disclosed to third persons and that it was made in furtherance of the rendition of professional legal services to the client. Upon a demonstration of all three factors, the information is privileged and confidential under rule 503, provided the client has not waived the privilege or the document does not fall within the purview of the exceptions to the privilege enumerated in rule 503(d). *Pittsburgh Corning Corp. v. Caldwell*, 861 S.W.2d 423, 427 (Tex. App.—Houston [14th Dist.] 1993, no writ). Upon review, we find that portions of the submitted information at issue include communications that were made in connection with the rendition of professional legal services to the district and were meant to be kept confidential. Accordingly, we have marked the information that the district may withhold on the basis of the attorney-client privilege under Texas Rule of Evidence 503. However, the district has failed to demonstrate how any of the remaining information subject to section 552.022 constitutes confidential communications between privileged parties made for the purpose of facilitating the rendition of professional legal services. Therefore, none of the remaining information subject to section 552.022 may be withheld on that basis.

Texas Rule of Civil Procedure 192.5 encompasses the attorney work product privilege. For purposes of section 552.022 of the Government Code, information is confidential under rule 192.5 only to the extent that the information implicates the core work product aspect of the work product privilege. *See* Open Records Decision No. 677 at 9-10 (2002). Rule 192.5 defines core work product as the work product of an attorney or an attorney's representative, developed in anticipation of litigation or for trial, that contains the mental impressions, opinions, conclusions, or legal theories of the attorney or the attorney's representative. *See* TEX. R. CIV. P. 192.5(a), (b)(1). Accordingly, in order to withhold attorney core work product from disclosure under rule 192.5, a governmental body must demonstrate that the material was (1) created for trial or in anticipation of litigation when the governmental body received the request for information and (2) consists of an attorney's or the attorney's representative's mental impressions, opinions, conclusions, or legal theories. *Id.*

The first prong of the work product test, which requires a governmental body to show that the information at issue was created in anticipation of litigation, has two parts. A governmental body must demonstrate that (1) a reasonable person would have concluded from the totality of the circumstances surrounding the investigation that there was a substantial chance that litigation would ensue, and (2) the party resisting discovery believed in good faith that there was a substantial chance that litigation would ensue and conducted the investigation for the purpose of preparing for such litigation. *See Nat'l Tank v. Brotherton*, 851 S.W.2d 193, 207 (Tex. 1993). A "substantial chance" of litigation does not mean a statistical probability, but rather "that litigation is more than merely an abstract possibility or unwarranted fear." *Id.* at 204. The second prong of the work product test requires the governmental body to show that the documents at issue contain the attorney's or the attorney's representative's mental impressions, opinions, conclusions, or legal theories. TEX. R. CIV. P. 192.5(b)(1). A document containing core work product information that meets both prongs of the work product test is confidential under rule 192.5 provided the information does not fall within the purview of the exceptions to the privilege enumerated in rule 192.5(c). *Pittsburgh Corning Corp. v. Caldwell*, 861 S.W.2d 423, 427 (Tex. App.—Houston [14th Dist.] 1993, no writ).

Upon review, we find that the submitted information at issue includes attorney work product that is protected by rule 192.5. Accordingly, we have marked the information that the district may withhold on the basis of core work product for purposes of Texas Rule of Civil Procedure 192.5. However, the district has failed to demonstrate how any of the remaining information subject to section 552.022 constitutes core work product; and therefore, none of the remaining information subject to section 552.022 may be withheld on that basis.

Next, we consider whether section 552.107(2) excepts from disclosure records that are subject to section 552.022. Section 552.107(2) provides information is excepted from disclosure if "a court by order has prohibited disclosure of the information." Gov't Code § 552.107(2). The order of the Special Education Hearing Officer in Docket Number 039-SE-1007 states that the district "shall not be required to produce any attorney records, notes, files, correspondence, and communications pertaining to this matter." The information at issue does not appear to relate to Docket Number 039-SE-107. Furthermore, section 552.022(b) provides:

A court in this state may not order a governmental body or an officer for public information to withhold from public inspection any category of public information for inspection or duplication, unless the category of information is expressly made confidential under other law.

Id. § 552.022(b). Because section 552.022(b) prohibits a court from ordering the withholding of documents subject to section 552.022, we conclude that the district may not withhold any of the remaining submitted documents based on section 552.107(2).

We now turn to your arguments for the submitted information that is not subject to section 552.022. You assert that the submitted information in Exhibits 6 through 12 is

excepted from disclosure under sections 552.107 and 552.111 of the Government Code. Section 552.107 protects information coming within the attorney-client privilege. When asserting the attorney-client privilege, a governmental body has the burden of providing the necessary facts to demonstrate the elements of the privilege in order to withhold the information at issue. Open Records Decision No. 676 at 6-7 (2002). First, a governmental body must demonstrate that the information constitutes or documents communication. *Id.* at 7. Second, the communication must have been made “for the purpose of facilitating the rendition of professional legal services” to the client governmental body. Tex. R. Evid. 503(b)(1). The privilege does not apply when an attorney or representative is involved in some other capacity other than that of providing or facilitating professional legal services to the client governmental body. *In re Tex. Farmers Inc. Exch.*, 990 S.W.2d 337, 340 (Tex. App. — Texarkana 1999, orig proceeding) (attorney-client privilege does not apply if attorney is acting in a capacity other than that of attorney). Governmental attorneys often act in capacities other than that of professional legal counsel, such as administrators, investigators, or managers. Thus, the mere fact that a communication involves an attorney for the government does not demonstrate this element. Third, the privilege applies only to communications between or among clients, client representatives, lawyers, and lawyer representatives. Tex. R. Evid. 503(b)(1)(A)-(E). Thus, a governmental body must inform this office of the identities and capacities of the individuals to whom each communication at issue has been made. Finally, the attorney-client privilege applies only to a confidential communication, meaning it was “not intended to be disclosed to third persons other than those to whom disclosure is made in furtherance of the rendition of professional legal services to the client or those reasonably necessary for the transmission of the communication.” *Id.* 503(a)(5).

Whether a communication meets this definition depends on the intent of the parties involved at the time the information was communicated. *Osborne v. Johnson*, 954 S.W.2d 180, 184 (Tex. App. — Waco, no writ). Moreover, because the client may elect to waive the privilege at any time, a governmental body must explain that the confidentiality of a communication has been maintained. Section 552.107(1) generally excepts an entire communication that is demonstrated to be protected by the attorney-client privilege unless otherwise waived by the governmental body. *See Huie v. DeShazo*, 922 S.W.2d 920, 923 (Tex. 1996) (privilege extends to entire communication, including facts contained therein).

You have submitted communications between district employees, their attorneys, and attorney representatives. You also state that the communications were not intended for disclosure to third parties and that their confidentiality has been maintained. Upon review, we find that you have established that portions of the submitted information at issue, which we have marked, constitute attorney-client communications and thus may be withheld pursuant to section 552.107. We note that in Exhibit 12, the district has acknowledged that several attachments to attorney-client communications are not privileged, and we have marked those for release.

You assert that the remaining submitted information in Exhibits 6 through 12 is excepted from disclosure under section 552.111 and attorney work product. Section 552.111 of the

Government Code excepts from disclosure “an interagency or intraagency memorandum or letter that would not be available by law to a party in litigation with the agency.” Gov’t Code § 552.111. Section 552.111 encompasses the attorney work product privilege found at rule 192.5 of the Texas Rules of Civil Procedure. *See* Tex. R. Civ. P. 192.5; *City of Garland v. Dallas Morning News*, 22 S.W.3d 351, 360 (Tex. 2000); ORD 677 at 4-8 (2002). Rule 192.5 defines attorney work product as consisting of:

- (1) material prepared or mental impressions developed in anticipation of litigation or for trial by or for a party or a party’s representatives, including the party’s attorneys, consultants, sureties, indemnitors, insurers, employees, or agents; or
- (2) a communication made in anticipation of litigation or for trial between a party and the party’s representatives or among a party’s representatives, including the party’s attorneys, consultants, sureties, indemnitors, insurers, employees, or agents.

Tex. R. Civ. P. 192.5. A governmental body that seeks to withhold information on the basis of the attorney work product privilege under section 552.111 bears the burden of demonstrating that the information was created or developed for trial or in anticipation of litigation by or for a party or a party’s representative. *See id.*; ORD 677 at 6-8. In order for this office to conclude that information was created or developed in anticipation of litigation, we must be satisfied that:

- (a) a reasonable person would have concluded from the totality of the circumstances surrounding the investigation that there was a substantial chance that litigation would ensue; and
- (b) the party resisting discovery believed in good faith that there was a substantial chance that litigation would ensue and [created or obtained the information] for the purpose of preparing for such litigation.

See Nat’l Tank, 851 S.W.2d at 207. A “substantial chance” of litigation does not mean a statistical probability, but rather “that litigation is more than merely an abstract possibility or unwarranted fear.” *Id.* at 204; ORD 677 at 7. The attorney work product privilege applies to materials prepared in preparation for an administrative hearing. *See* Open Records Decision No. 588 (1991) (contested case under APA constitutes litigation for purposes of predecessor to section 552.103); *see also* Gov’t Code § 2001.083 (“In a contested case [subject to the APA] a state agency shall give effect to the rules of privilege recognized by law.”).

You state and provide documentation showing that Civil Action No. H-07-2018 is pending before the United States District Court for the Southern District of Texas, Houston Division. You state that in this case, the requestor challenges a state hearing officer’s determination that the special education services provided to her child are appropriate. You also explain

that Docket No. 039-SE-1007 is a special education due process hearing that is currently pending at the administrative level. You further state that the requestor filed the due process appeal against the district in October of 2007 and that at the time of the district's receipt of this request, the case was pending. You explain that a due process hearing is a contested case subject to the APA. *See* 19 T.A.C. § 89.1180(g) (discovery methods for disputes between parents and school districts shall be limited to those specified in APA). In addition, you state that the district reasonably anticipates litigation with respect to the second due process hearing. Furthermore, you assert and provide documentation showing that the requestor has six appeals pending before the Texas Education Agency ("TEA"), Docket Nos. 027-R10-0107, 048-R10-0307, 047-R10-0307, 010-R10-1007, 013-R10-1107, and 020-R10-12107. These appeals are also subject to the APA. *See id.* § 151.1073(k) (adopting the provisions of the APA for all purposes); *see also* Open Records Decision No. 588 at 7 (1991) (ruling that, for purposes of the Act, litigation includes a contested case under the predecessor to the APA). Upon review of your arguments and the information at issue, we find that portions of the information at issue constitute attorney work product created by the district's representatives for trial or a contested case subject to the APA or in anticipation of litigation. Accordingly, the district may withhold the information we have marked in Exhibits 6 through 12 under section 552.111 of the Government Code.

We now turn to your section 552.103 claim for the information not covered by the exceptions we have addressed, which includes letters from the TEA to both parties in the pending appeals, in the event the requestor does not have a right of access to the information under FERPA.⁹ Section 552.103 cannot apply if the opposing party to the litigation has had access to the information at issue. *See* Open Records Decision 551 at 4-5 (1990). Thus, the district may not withhold this information under section 552.103.

Finally, you assert that some of the submitted information in Exhibit 12 is excepted from disclosure as communications made during an alternative dispute resolution ("ADR"). Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. Section 552.101 encompasses section 154.073 of the Civil Practice and Remedies Code. Section 154.073 states that a communication made during an alternative dispute resolution ("ADR") procedure is confidential and is not subject to disclosure. *See* Civ. Prac. & Rem. Code § 154.073. Further, in Open Records Decision No. 658 (1998), this office found that communications during the formal settlement process were intended to be confidential. Open Records Decision No. 658 at 4. The submitted information at issue in Exhibit 12 contains communications made during a formal alternative dispute resolution process. Thus, the district must withhold the information we have marked in Exhibit 12 under section 552.101 of the Government Code in conjunction with section 154.073 of the Civil Practice and Remedies Code.

⁹It is not clear that the district seeks to withhold this information. While the information is submitted as part of Exhibit 11, it is not marked as covered by an exception.

In summary: (1) the district must continue to rely on Open Records Letter Nos. 2008-08049 (2008), 2008-04879 (2008), 2008-00301(2008), 2007-07005 (2007), 2007-16878 (2007), 2007-16875 (2007), 2007-04806 (2007), 2006-13320 (2006), and 2006-14618 (2006) as previous determinations and withhold or release this information in accordance with those rulings and must withhold or release the information at issue in Open Records Letter No. 2007-00129 (2007) in accordance with the Agreed Final Judgment in *Humble Independent School District v. Abbott*, Cause No. D-1-GV-07-000097 (345th Dist. Ct. Travis County, Tex. Dec. 18, 2007); (2) the district may withhold the information we have marked in Exhibit 13 based on the attorney-client privilege under Texas Rule of Evidence 503 and the attorney work product privilege under Texas Rule of Civil Procedure 192.5; (3) the district may withhold the information we have marked in Exhibits 6 through 12 based on sections 552.107 and 552.111 of the Government Code; and (4) the district must withhold the information we have marked in Exhibit 12 based on section 552.101 of the Government Code in conjunction with section 154.073 of the Civil Practice and Remedies Code. The district must release the remaining submitted information. This ruling does not address the applicability of FERPA to the submitted information. Should the district determine that all or portions of the submitted information consist of "education records" subject to FERPA, the district must dispose of that information in accordance with FERPA, rather than the Act.

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must file suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such a challenge, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3). If the governmental body does not file suit over this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, upon receiving this ruling, the governmental body will either release the public records promptly pursuant to section 552.221(a) of the Government Code or file a lawsuit challenging this ruling pursuant to section 552.324 of the Government Code. If the governmental body fails to do one of these things, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at (877) 673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can challenge that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Dep't of Pub. Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.—Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the Office of the Attorney General at (512) 475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,



Jessica J. Maloney
Assistant Attorney General
Open Records Division

JJM/jh

Ref: ID# 315739

Enc. Submitted documents

bc: Ms. Cheryl Burbano
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