



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

January 21, 2009

Ms. Jacqueline Maldonado
Paralegal for Pauline E. Higgins
Metropolitan Transit Authority of Harris County
P.O. Box 61429
Houston, Texas 77208-1429

OR2009-00838

Dear Ms. Maldonado:

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# 332643 (Metro No.: 2009-0018).

The Metropolitan Transit Authority of Harris County (the "authority") received a request for five categories of information related to a specified presentation given by the authority. You state you do not have responsive information for transcripts of the questions and answers from the presentation.¹ You also state you have released redacted copies of the responsive information. You claim that the requested e-mail addresses are excepted from disclosure under section 552.137 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.137 of the Government Code excepts from disclosure "an e-mail address of a member of the public that is provided for the purpose of communicating electronically with a governmental body" unless the member of the public consents to its release or the e-mail address is of a type specifically excluded by subsection (c). Gov't Code § 552.137(a)-(c). Section 552.137 only protects e-mail addresses belonging to members of the public. We note

¹The Act does not require a governmental body that receives a request for information to create information that did not exist when the request was received. *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), 563 at 8 (1990), 555 at 1-2 (1990), 452 at 3 (1986), 362 at 2 (1983).

that two of the e-mail addresses appear to be e-mail addresses of individuals in their capacity as employees of governmental entities. Accordingly, these two e-mail addresses may not be withheld under section 552.137. The remaining e-mail addresses are personal e-mail addresses that do not appear to be of a type specifically excluded by section 552.137(c). You also inform us that the members of the public have not consented to the release of their e-mail addresses. Therefore, the authority must withhold the marked e-mail addresses under section 552.137 of the Government Code. The remaining e-mail addresses must be released.

This letter ruling is limited to the particular information 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 information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,



Olivia A. Maceo
Assistant Attorney General
Open Records Division

OM/eeg

Ref: ID# 332643

Enc. Submitted documents

c: Requestor
(w/o enclosures)