



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

February 3, 2009

Ms. Zindia Thomas
Assistant Attorney General
Public Information Coordinator
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548

OR2009-01404

Dear Ms. Thomas:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code, the Public Information Act (the "Act"). Your request was assigned ID# 334029 (PIR No. 08-23766).

The Office of the Attorney General (the "OAG") received a request for information concerning *Del Mar College v. Abbott*, No. D-1-GN-08-002066 (419th Dist. Ct., Travis County, Tex.). The OAG states it will release some information and asserts the remainder is excepted from disclosure under sections 552.103 and 552.137 of the Government Code. Alternatively, the OAG asserts this office may not disclose Exhibit C pursuant to section 552.3035 of the Government Code. We have considered your claimed exceptions to disclosure and have reviewed the submitted sample of information.¹

First, we note Exhibit C and the portion of Exhibit B the OAG marked as excepted under section 552.103 are the subject of the pending lawsuit referenced above which resulted from

¹We 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.

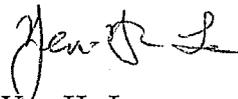
an open records ruling issued by this office. Accordingly, we decline to issue a decision and will allow the court to resolve the issue of whether these records must be released.

Section 552.137 provides an e-mail address of a member of the public that is provided for the purpose of communicating electronically with a governmental body is confidential and not subject to disclosure. Gov't Code § 552.137(a). However, a private e-mail address may be disclosed if the member of the public affirmatively consents to its release. *Id.* § 552.137(b). The OAG explains the individual at issue has not affirmatively consented to release of his private e-mail address. Thus, the OAG must withhold it under section 552.137.

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,



Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/sdk

Ref: ID# 334029

Enc: Submitted documents

c: Requestor
(w/o enclosures)