



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 1, 2009

Mr. Ronald J. Bounds
Assistant City Attorney
City of Corpus Christi
P. O. Box 9277
Corpus Christi, Texas 78469-9277

OR2009-05827

Dear Mr. Bounds:

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# 341636.

The Corpus Christi Police Department (the "department") received a request for a portion of the department's policy manual. Additionally, the City of Corpus Christi (with the department, collectively the "city") received a request from a different requestor for fifteen categories of information related to two named officers, in addition to a request for 114 categories of information related to a specified investigation, as well as other department matters.¹ We note that you have redacted some social security numbers from the submitted documents.² You state that the city will release portions of the requested information with redactions pursuant to Open Records Decision No. 670 (2001).³ You claim that the

¹This office originally assigned identification numbers 341635 and 341636 to these requests for a ruling. These two request have been combined and are being issued as one ruling with the identification number noted above.

²Section 552.147(b) of the Government Code authorizes a governmental body to redact a living person's social security number from public release without the necessity of requesting a decision from this office under the Act.

³We note that in Open Records Decision No. 670 (2001), the attorney general determined that all governmental bodies may withhold information that reveals a peace officer's home address, home telephone number, personal cellular phone number, personal pager number, social security number, and information that

submitted information is excepted from disclosure under sections 552.101, 552.103, 552.107, 552.108, and 552.111 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Initially, we note that portions of the submitted information were not in existence when the city received the present request for information and thus are not responsive to the request. *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). This decision does not address the public availability of the nonresponsive information, which we have marked, and the city need not release that information to the requestors.

Next, we note that a portion of the submitted information was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2007-08849 (2007). In that decision, we ruled that the department may withhold portions of the department's general manual under section 552.108(b)(1) of the Government Code. As we have no indication that the law, facts, or circumstances on which the prior ruling was based have changed, the city must continue to rely on that ruling as a previous determination and withhold or release the information contained in the general manual consistent with the prior ruling.⁴ *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). We have marked the information subject to the previous determination.

Next, we note that the submitted information contains an attorney's fee bill subject to section 552.022(a)(16) of the Government Code. Section 552.022(a)(16) provides for required public disclosure of "information that is in a bill for attorney's fees and that is not privileged under the attorney-client privilege," unless the information is expressly confidential under other law. Gov't Code § 552.022(a)(16). You assert that information contained in the submitted fee bill is excepted from disclosure by sections 552.103, 552.107, and 552.111 of the Government Code. Sections 552.103, 552.107, and 552.111 are discretionary exceptions under the Act and do not constitute "other law" for purposes of section 552.022. *See Dallas Area Rapid Transit v. Dallas Morning News*, 4 S.W.3d 469, 475-76 (Tex. App.—Dallas 1999, no pet.) (governmental body may waive section 552.103); Open Records Decision Nos. 676 at 10-11 (2002) (attorney-client privilege under

reveals whether the individual has family members without the necessity of requesting an attorney general decision as to whether the exception under section 552.117(a)(2) applies.

⁴As our ruling is dispositive of this information, we need not address your argument against its disclosure.

section 552.107(1) may be waived), 677 at 10 (2002) (attorney work product privilege under section 552.111 may be waived), 665 at 2 n.5 (2000) (discretionary exceptions generally). Accordingly, the city may not withhold information contained in the submitted fee bill under sections 552.103, 552.107, or 552.111. However, the Texas Supreme Court has held that the Texas Rules of Evidence and 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). Therefore, we will determine whether the city may withhold any of the information in the attorney fee bill under Texas Rule of Evidence 503 or Texas Rule of Civil Procedure 192.5.

Rule 503 of the Texas Rules of Evidence 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).

You state that the information you have marked consists of communications between city employees and attorneys representing the city. You further state that the communications were made for the purpose of the rendition of professional legal services. Based on your representations and our review of the information at issue, we determine that the city may withhold the information we have marked on the basis of the attorney-client privilege under Texas Rule of Evidence 503. However, we are unable to conclude that the remaining information in the attorney fee bill documents a confidential communication that was made between privileged parties. Therefore, we conclude that Texas Rule of Evidence 503 is not applicable to the remaining information in the attorney fee bill and it may not be withheld on that basis.

We next address Texas Rule of Civil Procedure 192.5 for the remaining information in the submitted attorney fee bill. Rule 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 and (2) consists of the mental impressions, opinions, conclusions, or legal theories of an attorney or an attorney's representative. *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 part of the work product test requires the governmental body to show that the materials at issue contain the mental impressions, opinions, conclusions, or legal theories of an attorney's or an attorney's representative. *See* TEX. R. CIV. P. 192.5(b)(1). A document containing core work product information that meets both parts of the work product test is confidential under rule 192.5,

provided that the information does not fall within the scope of the exceptions to the privilege enumerated in rule 192.5(c). *See Pittsburgh Corning Corp.*, 861 S.W.2d at 427.

In this instance, we find that none of the remaining information in the submitted fee bill consists of mental impressions, opinions, conclusions, or legal theories of an attorney or an attorney's representative that were created for trial or in anticipation of litigation. We therefore conclude that the city may not withhold any of the remaining information in the attorney fee bill under Texas Rule of Civil Procedure 192.5.

We will now address your arguments against disclosure of the information not subject to section 552.022(a)(16). Section 552.101 of the Government Code exempts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision," and encompasses information that is made confidential by statute. Gov't Code § 552.101. You assert the information you have marked is subject to section 143.089 of the Local Government Code, which contemplates two different types of personnel files: a police officer's civil service file that a city's civil service director is required to maintain, and an internal file that the police department may maintain for its own use. Local Gov't Code § 143.089(a), (g). We note that the city is a civil service city under chapter 143 of the Local Government Code.

In cases in which a police department investigates a police officer's misconduct and takes disciplinary action against an officer, it is required by section 143.089(a)(2) to place all investigatory records relating to the investigation and disciplinary action, including background documents such as complaints, witness statements, and documents of like nature from individuals who were not in a supervisory capacity, in the police officer's civil service file maintained under section 143.089(a).⁵ *Abbott v. City of Corpus Christi*, 109 S.W.3d 113, 122 (Tex. App.—Austin 2003, no pet.). All investigatory materials in a case resulting in disciplinary action are "from the employing department" when they are held by or in possession of the department because of its investigation into a police officer's misconduct, and the department must forward them to the civil service commission for placement in the civil service personnel file. *Id.* Such records are subject to release under chapter 552 of the Government Code. *See* Local Gov't Code § 143.089(f); Open Records Decision No. 562 at 6 (1990).

However, a document relating to a police officer's alleged misconduct may not be placed in his civil service personnel file if there is insufficient evidence to sustain the charge of misconduct. *Id.* § 143.089(b). Information that reasonably relates to a police officer's employment relationship with the police department and that is maintained in a police department's internal file pursuant to section 143.089(g) is confidential and must not be

⁵Chapter 143 prescribes the following types of disciplinary actions: removal, suspension, demotion, and uncompensated duty. *See* Local Gov't Code §§ 143.051-.055. A letter of reprimand does not constitute discipline under chapter 143.

released. *City of San Antonio v. San Antonio Express-News*, 47 S.W.3d 556 (Tex. App.—San Antonio 2000, pet. denied); *City of San Antonio v. Tex. Attorney General*, 851 S.W.2d 946, 949 (Tex. App.—Austin 1993, writ denied).

You state that the information you have marked is contained in the department's personnel files of the officers involved and that this information is maintained under section 143.089(g). We note the information you seek to withhold relates to investigations of misconduct that resulted in suspension or demotion of the officers at issue. Therefore, this information is subject to section 143.089(a)(2) and must also be maintained in the officers' civil service files under section 143.089(a). As previously noted, this information is subject to release. *See* Local Gov't Code § 143.089(f); ORD 562 at 6. In this instance, the request for this portion of the submitted information was received by the city, which has access to the files maintained under sections 143.089(a) and 143.089(g); therefore, the request encompasses both of these files. Thus, none of the information you have marked may be withheld under section 552.101 in conjunction with section 143.089(g) of the Local Government Code.

Next, we address your argument against disclosure under section 552.107 of the Government Code. Section 552.107(1) 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 a 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 capacity other than that of providing or facilitating professional legal services to the client governmental body. *In re Tex. Farmers Ins. Exch.*, 990 S.W.2d 337, 340 (Tex. App.—Texarkana 1999, orig. proceeding) (attorney-client privilege does not apply if attorney acting in a capacity other than that of attorney). Third, the privilege applies only to communications between or among clients, client representatives, lawyers, and lawyer representatives. TEX. R. EVID. 503(b)(1). 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. Lastly, the attorney-client privilege applies only to a confidential communication, *id.* 503(b)(1), 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 1997, 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 claim that a portion of the submitted information consists of communications made for the purpose of facilitating the rendition of professional legal services. You state that the communications were between city employees and attorneys representing the city. You further state that the communications were intended to be confidential, and that the confidentiality of the communications has been maintained. However, you have not identified several of the parties to the communications. *See Open Records Decision No. 542* (1990) (stating that governmental body has burden to establishing that exception applies to requested information). From our review of the information at issue, we have been able to identify some of these unidentified individuals as city employees, attorneys representing the city, or representatives of attorneys representing the city. Accordingly, we find the city may withhold the information we have marked under section 552.107 of the Government Code.⁶ However, as we are unable to identify the remaining individual recipients of the marked communications, the city may not withhold any of the remaining information under section 552.107. Further, we note that some of the individual e-mails contained in the submitted e-mail strings subject to section 552.107 consist of communications between non-privileged parties, and thus are not privileged. Accordingly, to the extent these non-privileged e-mails exist separate and apart from the submitted e-mail string, they may not be withheld under section 552.107. We have marked these non-privileged e-mails.

Next, section 552.103 provides in part:

(a) Information is excepted from [required public disclosure] if it is information relating to litigation of a civil or criminal nature to which the state or a political subdivision is or may be a party or to which an officer or employee of the state or a political subdivision, as a consequence of the person's office or employment, is or may be a party.

...

(c) Information relating to litigation involving a governmental body or an officer or employee of a governmental body is excepted from disclosure under Subsection (a) only if the litigation is pending or reasonably anticipated on the date that the requestor applies to the officer for public information for access to or duplication of the information.

⁶As our ruling is dispositive of this information, we need not address your remaining arguments against its disclosure.

Gov't Code § 552.103(a), (c). The city has the burden of providing relevant facts and documents to show that the section 552.103(a) exception is applicable in a particular situation. The test for meeting this burden is a showing that (1) litigation is pending or reasonably anticipated on the date the city received the request for information, and (2) the information at issue is related to that litigation. *Univ. of Tex. Law Sch. v. Tex. Legal Found.*, 958 S.W.2d 479, 481 (Tex. App.—Austin 1997, no pet.); *Heard v. Houston Post Co.*, 684 S.W.2d 210, 212 (Tex. App.—Houston [1st Dist.] 1984, writ ref'd n.r.e.); Open Records Decision No. 551 at 4 (1990). The city must meet both prongs of this test for information to be excepted under section 552.103(a).

The question of whether litigation is reasonably anticipated must be determined on a case-by-case basis. See Open Records Decision No. 452 at 4 (1986). When the governmental body is the prospective plaintiff in litigation, the evidence of anticipated litigation must at least reflect that litigation involving a specific matter is “realistically contemplated.” See Open Records Decision No. 518 at 5 (1989); see also Attorney General Opinion MW-575 (1982) (investigatory file may be withheld if governmental body’s attorney determines that it should be withheld pursuant to section 552.103 and that litigation is “reasonably likely to result”).

You state, and provide documentation showing, that one of the requestors filed a claim of discrimination with the Equal Employment Opportunity Commission (the “EEOC”) prior to the date of the city’s receipt of the present request for information. This office has found that a pending EEOC complaint indicates that litigation is reasonably anticipated. See Open Records Decision Nos. 386 at 2 (1983), 336 at 1 (1982). Thus, we agree the city reasonably anticipated litigation on the date it received the present request for information. You also argue that the information at issue is related to the anticipated litigation. Upon review, we agree that the information we have marked is related to the anticipated litigation for purposes of section 552.103. Therefore, the city may withhold the information we have marked pursuant to section 552.103 of the Government Code. However, we find that the remaining information you have marked under section 552.103 is not related to the anticipated litigation for purposes of section 552.103. Therefore, the city may not withhold any of the remaining submitted information under section 552.103 of the Government Code. However, we will address your argument under section 552.111 for portions of the information you also sought to withhold under section 552.103.

Section 552.111 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.” This section encompasses the attorney work product privilege found in rule 192.5 of the Texas Rules of Civil Procedure. *City of Garland v. Dallas Morning News*, 22 S.W.3d 351, 360 (Tex. 2000); Open Records Decision No. 677 at 4-8 (2002). Rule 192.5 defines work product as

(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.

A governmental body seeking to withhold information under this exception 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. Tex. R. Civ. P. 192.5; ORD 677 at 6-8. In order for this office to conclude that the information was made 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.

Nat'l Tank Co. 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; ORD 677 at 7.

You state that the information you have marked was created by or for the city in anticipation of litigation with one of the officers named in the requests, which you state the city reasonably anticipated. Based on your representations and our review, we agree that the city may withhold the information we have marked under section 552.111 of the Government Code as attorney work product. However, the remaining documents are not materials prepared, mental impressions developed, or communications made in anticipation of litigation by or for the city. Thus, the city may not withhold any of the remaining information as attorney work product under section 552.111.

We note that the remaining submitted information contains information subject to sections 552.117, 552.130, 552.136, and 552.137 of the Government Code.⁷ Section 552.117(a)(2) excepts from disclosure the home address, home telephone number, social

⁷The Office of the Attorney General will raise mandatory exceptions on behalf of a governmental body, but ordinarily will not raise other exceptions. Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

security number, and family member information of a peace officer, as defined by article 2.12 of the Code of Criminal Procedure. *See* Gov't Code § 552.117(a)(2); Open Records Decision No. 622 (1994). We note section 552.117 also encompasses a personal cellular telephone number, unless the cellular service is paid for by a governmental body. *See* Open Records Decision Nos. 670 at 6 (2001), 506 at 5-7 (1988) (statutory predecessor to section 552.117 not applicable to cellular telephone numbers provided and paid for by governmental body and intended for official use). In this case, it is unclear whether some of the individuals whose personal information we have marked are currently licensed peace officers as defined by article 2.12 of the Code of Criminal Procedure. Therefore, to the extent the individuals at issue are licensed peace officers as defined by article 2.12, the city must withhold the personal information we have marked, as well as the personal information we have indicated in the audio recordings, under section 552.117(a)(2) of the Government Code; however, the city may only withhold the marked cellular telephone numbers if the employees at issue paid for the cellular telephones with their own funds.

If the individuals at issue are not licensed peace officers, then their personal information may be excepted under section 552.117(a)(1) of the Government Code. Section 552.117(a)(1) excepts from disclosure the home addresses and telephone numbers, social security numbers, and family member information of current or former officials or employees of a governmental body who request that this information be kept confidential under section 552.024 of the Government Code. Gov't Code § 552.117(a)(1). Whether a particular piece of information is protected by section 552.117(a)(1) must be determined at the time the request for it is made. *See* Open Records Decision No. 530 at 5 (1989). The city may only withhold information under section 552.117(a)(1) if the individuals at issue elected confidentiality under section 552.024 prior to the date on which the request for this information was made. Therefore, if the individuals timely elected to keep their personal information confidential, the city must withhold the information we have marked, as well as the personal information we have indicated in the audio recordings, under section 552.117(a)(1).⁸

Next, section 552.130 of the Government Code excepts from disclosure information relating to a Texas motor vehicle driver's license and registration information. Gov't Code § 552.130. The city must withhold the license-plate information we have marked under section 552.130 of the Government Code.

Section 552.136 provides in part that "[n]otwithstanding any other provision of [the Act], a credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a governmental body is confidential." Gov't Code § 552.136(b); *see id.*

⁸Regardless of the applicability of section 552.117, section 552.147(b) of the Government Code authorizes a governmental body to redact a living person's social security number from public release without the necessity of requesting a decision from this office under the Act.

§ 552.136(a) (defining "access device"). Accordingly, the city must withhold the cellular telephone account numbers we have marked under section 552.136.

Finally, section 552.137 states that "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 under [the Act]," unless the owner of the e-mail address has affirmatively consented to its public disclosure. Gov't Code § 552.137(a)-(b). The types of e-mail addresses listed in section 552.137(c) may not be withheld under this exception. *See id.* § 552.137(c). We have marked the e-mail addresses that the city must withhold under section 552.137 of the Government Code, unless the owners of the e-mail addresses affirmatively consented to their disclosure.

In summary, (1) the city need not release the nonresponsive information we have marked; (2) the city must continue to rely on Open Records Letter No. 2007-08849 (2007) as a previous determination and withhold or release the information contained in the general manual consistent with the prior ruling; (3) the city may withhold the information we have marked on the basis of the attorney-client privilege under Texas Rule of Evidence 503; (4) the city may withhold the information we have marked under section 552.107 of the Government Code; however, to the extent the non-privileged e-mails we have marked exist separate and apart from the submitted e-mail string, the separate e-mails must be released; (5) the city may withhold the information we have marked under section 552.103 of the Government Code; (6) the city may withhold the information we have marked under section 552.111 of the Government Code; (7) to the extent the individuals at issue are licensed peace officers, the city must withhold the personal information we have marked, as well as the personal information we have indicated in the audio recordings, under section 552.117(a)(2) of the Government Code; however, the city may only withhold the marked cellular telephone numbers if the employees at issue paid for the cellular telephones with their own funds; (8) if the individuals at issue are not licensed peace officers, and the individuals timely elected to keep their personal information confidential, the city must withhold the information we have marked, as well as the personal information we have indicated in the audio recordings, under section 552.117(a)(1); (9) the city must withhold the license plate information we have marked under section 552.130 of the Government Code; (10) the city must withhold the cellular telephone account numbers we have marked under section 552.136 of the Government Code; and (11) the city must withhold the e-mail addresses we have marked under section 552.137 of the Government Code, unless the owners of the e-mail addresses affirmatively consented to their disclosure. The city must release the remaining information. We note, however, that if the city lacks the technical capability to redact the information subject to section 552.117 in the audio recordings at issue, the city must withhold the recordings in their entirety. *See* Open Records Decision No. 364 (1983).

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,



Christopher D. Sterner
Assistant Attorney General
Open Records Division

CDSA/eeg

Ref: ID# 341636

Enc. Submitted documents

c: Requestor
(w/o enclosures)