



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 19, 2009

Ms. Jessica B. Holoubek
Allen Boone Humphries Robinson LLP
For Memorial City Management District
3200 Southwest Freeway, Suite 2600
Houston, Texas 77027

OR2009-11658

Dear Ms. Holoubek:

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# 354858.

The City of Houston Tax Increment Reinvestment Zone No. 17 (the "zone"), which you represent, received a request for the e-mail addresses of members of its board of directors. You claim that the requested information is excepted from disclosure under sections 552.117 and 552.137 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Initially, we note, and you acknowledge, most of the submitted information is not responsive to the instant request for e-mail addresses. This ruling does not address the public availability of non-responsive information, and the zone is not required to release non-responsive information in response to this request.

Section 552.117(a)(1) of the Government Code excepts from disclosure the current and former 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 this information be kept confidential under section 552.024 of the Government Code. Gov't Code § 552.117(a)(1). Section 552.117 does not apply to e-mail addresses. Therefore the information you have marked may not be withheld under section 552.117 of the Government Code.

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). See Gov't Code § 552.137(a)-(c). Section 552.137 is not applicable to an institutional e-mail address, an Internet website address, or an e-mail address that a governmental entity maintains for one of its officials or employees. The e-mail addresses you have marked are not specifically excluded by section 552.137(c). We note, however, you have marked an e-mail address that is maintained by a governmental entity for its employee. Consequently, this e-mail address, which we have marked for release, may not be withheld under section 552.137. Thus, with the exception of the e-mail address marked for release, the zone must withhold the e-mail addresses you have marked under section 552.137 of the Government Code, unless the owners of the e-mail addresses have affirmatively consented to their public disclosure.

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,



Jessica Eales
Assistant Attorney General
Open Records Division

JCE/dls

Ref: ID# 354858

Enc. Submitted documents

c: Requestor
(w/o enclosures)