



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 5, 2009

Ms. Marivi Gambini
City of Irving
825 West Irving Boulevard
Irving, Texas 75060

OR2009-13972

Dear Ms. Gambini:

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# 361627 (No. 09-828).

The City of Irving (the "city") received a request for communications involving 18 named individuals and organizations. You state that the city is releasing some of the requested information. You claim that other responsive information is excepted from disclosure under section 552.137 of the Government Code.¹ We have considered the exception you claim and reviewed the information you submitted.

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 affirmatively consents to its public disclosure. *See* Gov't Code § 552.137(a)-(b). You have marked the e-mail addresses that the city seeks to withhold under this exception. You state that the owners of the marked e-mail addresses have not affirmatively consented to their disclosure. The e-mail addresses at issue are not of a type specifically excluded from the scope of section 552.137(a) by section 552.137(c). *See* Act of May 15, 2001, 77th Leg., R.S., ch. 356, § 1, 2001 Tex. Gen. Laws 651, 651-52, *amended by* Act of May 27, 2009, 81st Leg., R.S., ch. 962, § 7, 2009

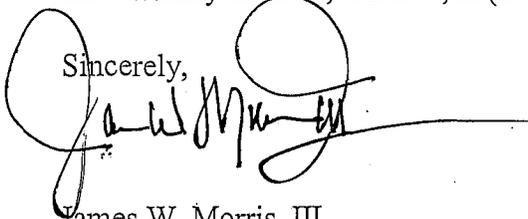
¹Although you also claim that the information at issue is confidential under section 552.101 of the Government Code in conjunction with section 552.137, we note that section 552.101 does not encompass other exceptions to disclosure under the Act.

Tex. Sess. Law Serv. 2555, 2557 (Vernon) (to be codified as an amendment to Gov't Code § 552.137(c)). We note, however, that two of the e-mail addresses at issue are maintained by governmental entities. Those e-mail addresses, which we have marked, are not encompassed by section 552.137(a) and must be released. We agree that the city must withhold the rest of the e-mail addresses you have marked under section 552.137 of the Government Code.

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, toll free, at (888) 672-6787.

Sincerely,



James W. Morris, III
Assistant Attorney General
Open Records Division

JWM/cc

Ref: ID# 361627

Enc: Submitted documents

c: Requestor
(w/o enclosures)