



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

November 2, 2009

Ms. Molly Roman  
Public Information Coordinator  
Texas Board of Professional Geoscientists  
P.O. Box 13225  
Austin, Texas 78711

OR2009-15557

Dear Ms. Roman:

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# 364990.

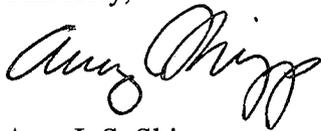
The Texas Board of Professional Geoscientists (the "board") received a request for the e-mail address of a named individual. You claim the requested information is excepted from disclosure under section 552.137 of the Government Code. We have considered the exception you claim and reviewed the submitted information. We have also received and considered comments submitted by the Office of the Attorney General. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released).

Section 552.137 of the Government Code 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. *Id.* § 552.317(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). Likewise, 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. Upon review, we agree the board must withhold the personal e-mail address at issue under section 552.137 of the Government Code, unless the owner has affirmatively consented to its 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](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,



Amy L.S. Shipp  
Assistant Attorney General  
Open Records Division

ALS/rl

Ref: ID# 364990

Enc. Submitted documents

cc: Requestor  
(w/o enclosures)

c: Mr. Kevin Heyburn  
Assistant Attorney General  
Office of Attorney General  
Environmental Protection & Administrative Law Division  
P.O. Box 12548  
Austin, Texas 78711-2548  
(w/o enclosures)