



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 5, 2009

Ms. Cheryl K. Byles
Assistant City Attorney
City of Fort Worth
1000 Throckmorton Street 3rd Floor
Fort Worth, Texas 76102

OR2009-15806

Dear Ms. Byles:

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# 360563 (PIR No. 4632-09).

The City of Fort Worth (the "city") received a request for e-mails from a named individual regarding the mayor *pro tempore* during two specified time intervals.¹ You state that some of the requested information will be released. You claim that other responsive information is excepted from disclosure under section 552.137 of the Government Code. We have considered the exception you claim and reviewed the information you submitted.

Section 552.137 of the Government Code provides 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 or the e-mail address falls within the scope of section 552.137(c). See Gov't Code § 552.137(a)-(c). You have marked

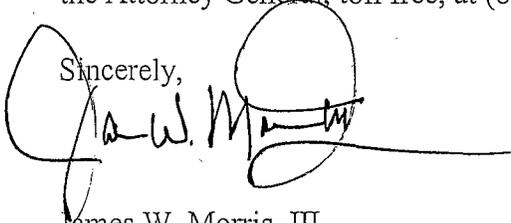
¹We note that the requestor initially sought access to "[everything] pertaining to the Mayor Pro Tem[.]" You inform us, and have provided documentation reflecting, that the request was clarified twice and subsequently modified in response to an estimate of costs. See Gov't Code §§ 552.222(b) (governmental body may communicate with requestor for purpose of clarifying or narrowing request for information), .2615 (requestor may modify request in response to estimate of charges); Open Records Decision No. 663 at 2-5 (1999) (addressing circumstances under which governmental body's communications with requestor to clarify or narrow request will toll ten-business-day deadline to request decision under Gov't Code § 552.301(b)).

personal e-mail addresses that the city seeks to withhold under this exception. We agree that the city must withhold the marked e-mail addresses under section 552.137 of the Government Code, unless the owner of an e-mail address has affirmatively consented to its public disclosure. The rest of the submitted information must be released.

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,

A handwritten signature in black ink, appearing to read "James W. Morris, III". The signature is written in a cursive style with a long horizontal flourish extending to the right.

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

JWM/cc

Ref: ID# 360563

Enc: Submitted documents

c: Requestor
(w/o enclosures)