



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 18, 2009

Mr. Warren M. S. Ernst
Chief, General Counsel Division
City of Dallas
1500 Marilla Street Room 7BN
Dallas, Texas 75201

OR2009-16406

Dear Mr. Ernst:

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# 366770.

The City of Dallas (the "city") received a request for communications with either of two named individuals regarding the redevelopment of the LTV Tower. 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.¹

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). Gov't Code § 552.137(a)-(c). Thus, 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

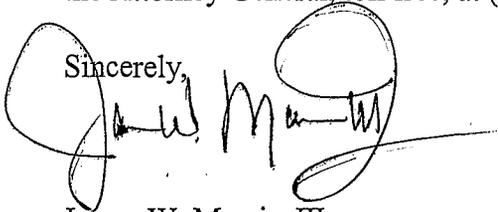
¹This letter ruling assumes that the submitted representative sample of information is truly representative of the requested information as a whole. This ruling neither reaches nor authorizes the city to withhold any information that is substantially different from the submitted information. *See* Gov't Code §§ 552.301(e)(1)(D), .302; Open Records Decision Nos. 499 at 6 (1988), 497 at 4 (1988).

address, an Internet website address, or an e-mail address that a governmental entity maintains for one of its officials or employees. We agree that the personal e-mail address you have marked, as well as the e-mail addresses we have marked, must be withheld under section 552.137, unless a particular e-mail address falls within the scope of section 552.137(c) or the owner of an e-mail address 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, 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', with a long horizontal flourish extending to the right.

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

JWM/cc

Ref: ID# 366770

Enc: Submitted document

c: Requestor
(w/o enclosures)