



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

July 30, 2010

Mr. Jose R. Guerrero  
Ramirez & Guerrero, L.L.P.  
700 North Veterans Boulevard  
Business Center, Suite B  
San Juan, Texas 78589

OR2010-11493

Dear Mr. Guerrero:

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# 389068 (File No. 10-003G).

The South Texas Community College (the "college"), which you represent, received a request for all e-mails sent to or from a specified e-mail account. You state you are making some of the requested information available to the requestor. You claim that portions of the submitted information are excepted from disclosure under section 552.137 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

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). We note the requestor has a right to his own e-mail address under section 552.137(b). *Id.* § 552.137(b). We further note this exception 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. You claim the information you have marked is excepted from disclosure under section 552.137. In this instance, however, some of the e-mail addresses you have marked are institutional e-mail addresses, Internet website addresses, and governmental e-mail addresses that are not

excepted from disclosure under section 552.137. Furthermore, you have also marked other information that does not constitute an e-mail address for purposes of section 552.137. Thus, this information may not be withheld under section 552.137 of the Government Code. However, the e-mail addresses we have marked are not specifically excluded by section 552.137(c) and are not institutional e-mail addresses, Internet website addresses, or governmental e-mail addresses. You state the owners of the e-mail addresses have not consented to their release. Thus, the e-mail addresses we have marked must be withheld under section 552.137 of the Government Code.<sup>1</sup> As you raise no further exceptions to disclosure, the remaining information must be released.<sup>2</sup>

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,



Sarah Casterline  
Assistant Attorney General  
Open Records Division

SEC/eeg

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<sup>1</sup>We note this office recently issued Open Records Decision No. 684 (2009), a previous determination to all governmental bodies authorizing them to withhold ten categories of information, including an e-mail address of a member of the public under section 552.137 of the Government Code, without the necessity of requesting an attorney general decision.

<sup>2</sup>As previously noted, the information being released includes the requestor's e-mail address that is generally confidential under section 552.137(a) of the Government Code, to which he has a right of access under section 552.137(b) of the Government Code. Accordingly, if the college receives another request that encompasses the requestor's e-mail address from an individual other than one with a right of access under section 552.023, the college is authorized to withhold the requestor's e-mail address under section 552.137 without the necessity of requesting an attorney general decision.

Ref: ID# 389068

Enc. Submitted documents

c: Requestor  
(w/o enclosures)