



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 10, 2010

Mr. Frank J. Garza
Law Offices of Davidson & Troilo, PC
7550 West IH-10, Suite 800
San Antonio, Texas 78229-5815

OR2010-17088

Dear Mr. Garza:

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# 404293.

The Brownsville Public Utility Board (the "board"), which you represent, received a request for a list of current board members, including e-mail addresses. You indicate the board has released a list of current board members to the requestor. You claim the submitted e-mail addresses 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 that section 552.137 does not apply to a government employee or official's work e-mail address because such an address is not that of the employee or official as a "member of the public" but is instead the address of the individual as a governmental employee or official. Therefore, with the exception of the information we have marked for release, the board must withhold the personal e-mail addresses at issue

under section 552.137 of the Government Code, unless the owners have affirmatively consented to their public disclosure.¹

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,



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

ALS/tp

Ref: ID# 404293

Enc. Submitted documents

c: Requestor
(w/o enclosures)

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