



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 31, 2011

Ms. Amy L. Sims
Assistant City Attorney
City of Lubbock
P.O. Box 2000
Lubbock, Texas 79457

OR2011-15979

Dear Ms. Sims:

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# 439054.

The City of Lubbock (the "city") received a request for e-mail addresses from a specified account. You claim some of the submitted information is excepted from disclosure under section 552.137 of the Government Code.¹ We have considered the exception you claim and reviewed the submitted information.

Section 552.137 of the Government Code states "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). Section 552.137 does not apply to a government employee's work e-mail address because such an address is not that of the employee as a "member of the public," but is instead the address of the individual as a government employee. *Id.* § 552.137(c). Accordingly, the city may not withhold any of

¹Although you also raise section 552.101 of the Government Code as an exception to disclosure, you have provided no arguments regarding the applicability of this section. Since you have not submitted arguments concerning section 552.101, we assume you no longer claim this exception. *See* Gov't Code §§ 552.301(b), (e), .302.

the submitted work e-mail addresses that belong to government employees under section 552.137. Section 552.137 also does not apply to an e-mail address “provided to a governmental body by a person who has a contractual relationship with the governmental body or by the contractor’s agent” or to an e-mail address “provided to a governmental body by a vendor who seeks to contract with the governmental body or by the vendor’s agent[.]” *Id.* § 552.137(c)(1), (2). You have marked for release e-mail addresses that belong to representatives of companies that have a contractual relationship with the city. We have also marked the e-mail address of one of those representatives. Thus, the city may not withhold the marked e-mail addresses under section 552.137. Accordingly, except for the government employees’ work e-mail addresses and the marked e-mail addresses, the city must withhold the remaining e-mail addresses under section 552.137, as you state the city does not have consent to release the e-mail addresses at issue.

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,



Ana Carolina Vieira
Assistant Attorney General
Open Records Division

ACV/agn

Ref: ID# 439054

Enc. Submitted documents

c: Requestor
(w/o enclosures)