



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 9, 2012

Mr. Scott Gibson
General Counsel
Texas Board of Architectural Examiners
P.O. Box 12337
Austin, Texas 78711

OR2012-05045

Dear Mr. Gibson:

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# 449984.

The Texas Board of Architectural Examiners (the “board”) received a request for e-mail addresses and demographic information pertaining to licensed architects, applicants, and candidates for licensure as architects.¹ You state you are releasing some information to the requestor. You claim some of the submitted information is excepted from disclosure under section 552.137 of the Government Code. We have considered the exception you claim and reviewed the submitted representative sample of information.²

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

¹We note the board sought and received clarification from the requestor regarding the request. *See* Gov’t Code § 552.222(b) (stating if information requested is unclear to governmental body or if large amount of information has been requested, governmental body may ask requestor to clarify or narrow request, but may not inquire into purpose for which information will be used); *see also City of Dallas v. Abbott*, 304 S.W.3d 380 (Tex. 2010) (holding that when a governmental entity, acting in good faith, requests clarification or narrowing of an unclear or over-broad request for public information, the ten-day period to request an attorney general ruling is measured from the date the request is clarified or narrowed).

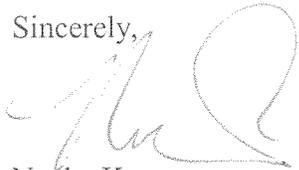
²We assume the “representative sample” of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent those records contain substantially different types of information than that submitted to this office.

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). Gov’t Code § 552.137(a)-(c). We note subsection 552.137(c)(5) states that subsection 552.137(a) does not apply to an e-mail address “provided to a governmental body for the purpose of providing public comment on or receiving notices related to an application for a license as defined by Section 2001.003(2) of [the Government Code], or receiving orders or decisions from a governmental body.” *Id.* § 552.137(c)(5). You inform us, and the submitted documents reflect, the information at issue consists of e-mail addresses that were provided to the board in connection with initial and renewal applications for board licenses. *See id.* § 2001.003(2) (defining a license as “the whole or part of a state agency permit, certificate, approval, registration, or similar form of permission required by law.”). Further, you state the e-mail addresses at issue were provided for receiving notices from the board related to the initial and renewal applications. Based upon your representations and our review, we find the e-mail addresses at issue fall within the scope of section 552.137(c)(5). Accordingly, none of these e-mail addresses may be withheld under section 552.137 of the Government Code. As you raise no further exceptions, 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,



Nneka Kanu
Assistant Attorney General
Open Records Division

NK/em

Ref: ID# 449984

Enc. Submitted documents

cc: Requestor
(w/o enclosures)