



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 4, 2014

Mr. Jason M. Rammel
Counsel for the City of Hutto
Sheets & Crossfield, P.C.
309 East Main Street
Round Rock, Texas 78664-5246

OR2014-15504

Dear Mr. Rammel:

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# 535201.

The City of Hutto (the "city"), which you represent, received a request for correspondence pertaining to major industrial projects between any city council member and any of four named individuals during a specified time period. You claim the submitted information is excepted from disclosure under section 552.131 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially, we note the information we have marked is not responsive to the instant request for information because it was created outside of the specified time period. This ruling does not address the availability of any information not responsive to the present request, and the city need not release non-responsive information in response to the request.

Section 552.131(b) of the Government Code provides:

...

(b) Unless and until an agreement is made with the business prospect, information about a financial or other incentive being offered to the business prospect by the governmental body or by another person is excepted from [required public disclosure].

Gov't Code § 552.131(b). Section 552.131(b) protects information about a financial or other incentive offered to a business prospect by a governmental body or another person. Upon review, we find no portion of the responsive information pertains to a financial or other

incentive offered to a business prospect by a governmental body or another person. Accordingly, the city may not withhold any of the responsive information under section 552.131(b) of the Government Code.

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). You inform us the member of the public whose e-mail address is at issue has not affirmatively consented to release of his e-mail address, and you state the e-mail address is not specifically excluded by subsection (c). Therefore, the city must withhold the e-mail address you have marked under section 552.137 of the Government Code.

In summary, the city must withhold the e-mail address you have marked under section 552.137 of the Government Code. The remaining responsive 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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Lee Seidlits
Assistant Attorney General
Open Records Division

CLS/som

Ref: ID# 535201

Enc. Submitted documents

c: Requestor
(w/o enclosures)