



TEXAS DEPARTMENT OF PROTECTIVE AND REGULATORY SERVICES

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OP 2 3

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September 23, 1994

Opinion Committee

GCW

ML-29340-94

29340

**RQ-776**

The Honorable Dan Morales  
Attorney General of Texas  
P.O. Box 12548, Capitol Station  
Austin, Texas 78711-2548

Attention: Sarah Shirley

RE: OPEN RECORDS DECISION REQUEST

Dear General Morales:

The Texas Department of Protective and Regulatory Services received the attached request for records from Terry B. Kelley on September 13, 1994. Ms. Kelley requests:

"Copy of correspondence between Ombudsman Division  
(Regulatory Services) and the Regional Office"  
[and]  
"CAMRIS Report"

We are in the process of clarifying with Ms. Kelley what information she is seeking with respect to the "CAMRIS report."

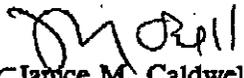
With respect to the request for correspondence, what exists is one electronic mail message, a printed copy of which is attached. In our review of Attorney General Open Records decisions and in our discussion with the Open Records Opinions staff, it appears that the question of whether electronic mail is a public record that falls within the Open Records Act is an unanswered one.

It is our position that electronic mail is not a public record that is covered by the Open Records Act. Kim Young, an attorney in our Office of the General Counsel, will provide you with a legal memorandum that supports this position. She should have this to you within the next week or two. In the meantime, if you have any questions in this matter, please contact her at (512) 450-3575.

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Thank you for your consideration of this issue.

Sincerely,

  
Dr. Janice M. Caldwell, Dr. P.H.

JMC:dlc

cc: Pat Devin  
David Reilly  
Susan Watkins

Terry B. Kelley  
Rt. 3 Box 367C-6  
Azle, Texas 76020