



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

May 25, 2017

Ms. Kathleen Decker  
Director, Litigation Division  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

OR2017-11481

Dear Ms. Decker:

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# 659224 (PIR# 17-32267).

The Texas Commission on Environmental Quality (the "commission") received a request for all documents relating to the San Jacinto River Waste Pits Superfund site (the "site"). The commission states it will release some information. Although the commission takes no position as to whether some of the submitted information is excepted under the Act, the commission informs us release of this information may implicate the proprietary interests of Columbia Analytical Services, Inc. ("Columbia"). Accordingly, the commission states, and provides documentation showing, it notified Columbia of the request for information and of its right to submit arguments to this office as to why the information at issue should not be released. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 (1990) (statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in the Act in certain circumstances). Additionally, the commission claims some of the submitted information is excepted from disclosure under sections 552.101, 552.104, 552.106, 552.107, and 552.111 of the Government Code and privileged under rule 408 and rule 503 of the Texas Rules of Evidence

and rule 11 of the Texas Rules of Civil Procedure. We have considered the submitted arguments and reviewed the submitted representative sample of information.<sup>1</sup>

An interested third party is allowed ten business days after the date of its receipt of the governmental body's notice under section 552.305(d) of the Government Code to submit its reasons, if any, as to why information relating to that party should be withheld from public disclosure. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, we have not received comments from Columbia explaining why the submitted information should not be released. Therefore, we have no basis to conclude Columbia has a protected proprietary interest in the submitted information. *See id.* § 552.110; Open Records Decision Nos. 661 at 5-6 (1999) (to prevent disclosure of commercial or financial information, party must show by specific factual evidence, not conclusory or generalized allegations, release of requested information would cause that party substantial competitive harm), 552 at 5 (1990) (party must establish *prima facie* case information is trade secret), 542 at 3. Accordingly, the commission may not withhold the submitted information on the basis of any proprietary interest Columbia may have in the information.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. Section 552.101 encompasses information protected by other statutes. The commission asserts some of the information at issue is protected by the Freedom of Information Act ("FOIA"). We note FOIA is applicable to information held by an agency of the federal government. In this instance, the information at issue is held by a Texas agency, which is subject to the laws of the State of Texas. *See* Attorney General Opinion MW-95 (1979) (FOIA exceptions apply to federal agencies, not to state agencies); Open Records Decision Nos. 496 (1988), 124 (1976); *see also Davidson v. Georgia*, 622 F.2d 895, 897 (5th Cir. 1980) (state governments are not subject to FOIA); Open Records Decision No. 561 at 7 n.3 (1990) (noting federal authorities may apply confidentiality principles found in FOIA differently from way in which such principles are applied under Texas open records law). This office has stated in numerous opinions that information in the possession of a governmental body of the State of Texas is not confidential or excepted from disclosure merely because the same information is or would be confidential in the hands of a federal agency. *See, e.g.,* Attorney General Opinion MW-95 (neither FOIA nor federal Privacy Act of 1974 applies to records held by state or local governmental bodies in Texas); ORD 124 (fact that information held by federal agency is excepted by FOIA does not necessarily mean that same information is excepted under Act when held by Texas

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<sup>1</sup>We 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.

governmental body). Thus, the commission may not withhold any portion of the submitted information on the basis of FOIA.

Next, we note some of the submitted information is subject to section 552.022 of the Government Code. Section 552.022(a) provides, in relevant part:

(a) [T]he following categories of information are public information and not excepted from required disclosure unless made confidential under this chapter or other law:

(1) a completed report, audit, evaluation, or investigation made of, for, or by a governmental body, except as provided by Section 552.108;

...

(17) information that is also contained in a public court record[.]

Gov't Code § 552.022(a)(1), (17). The submitted information contains completed reports that are subject to section 552.022(a)(1) and court-filed documents that are subject to section 552.022(a)(17). The commission must release the completed reports pursuant to section 552.022(a)(1) unless they are excepted from disclosure under section 552.108 of the Government Code or made confidential under the Act or other law. *See id.* § 552.022(a)(1). The commission must release the information subject to section 552.022(a)(17) unless it is made confidential under the Act or other law. *See id.* § 552.022. The commission seeks to withhold the information subject to section 552.022 under sections 552.107 and 552.111 of the Government Code. However, sections 552.107 and 552.111 are discretionary in nature and do not make information confidential under the Act. *See* Open Records Decision Nos. 676 at 10-11 (attorney-client privilege under Gov't Code § 552.107(1) may be waived), 665 at 2 n.5 (2000) (discretionary exceptions generally), 663 at 5 (1999) (waiver of discretionary exceptions), 470 at 7 (1987) (deliberative process privilege under statutory predecessor to section 552.111 subject to waiver), 677 at 10 (2002) (attorney work product privilege under section 552.111 may be waived). Therefore, the information at issue may not be withheld under these exceptions. However, we note the Texas Supreme Court has held the Texas Rules of Evidence and the Texas Rules of Civil Procedure are "other law" that make information expressly confidential for the purposes of section 552.022. *See In re City of Georgetown*, 53 S.W.3d 328, 336 (Tex. 2001). Therefore, we will consider the commission's arguments under rule 503 of the Texas Rules of Evidence and rule 192.5 of the Texas Rules of Civil Procedure for the information subject to section 552.022 of the Government Code. We will also address the commission's arguments against disclosure of the information not subject to section 552.022.

Texas Rule of Evidence 503(b)(1) provides:

A client has a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications made to facilitate the rendition of professional legal services to the client:

(A) between the client or the client's representative and the client's lawyer or the lawyer's representative;

(B) between the client's lawyer and the lawyer's representative;

(C) by the client, the client's representative, the client's lawyer, or the lawyer's representative to a lawyer representing another party in a pending action or that lawyer's representative, if the communications concern a matter of common interest in the pending action;

(D) between the client's representatives or between the client and the client's representative; or

(E) among lawyers and their representatives representing the same client.

TEX. R. EVID. 503(b)(1). A communication is "confidential" if not intended to be disclosed to third persons other than those to whom disclosure is made to further the rendition of professional legal services to the client or reasonably necessary to transmit the communication. *Id.* 503(a)(5).

Accordingly, in order to withhold attorney-client privileged information from disclosure under rule 503, a governmental body must (1) show that the document is a communication transmitted between privileged parties or reveals a confidential communication; (2) identify the parties involved in the communication; and (3) show that the communication is confidential by explaining that it was not intended to be disclosed to third persons and that it was made in furtherance of the rendition of professional legal services to the client. *See* ORD 676. Upon a demonstration of all three factors, the entire communication is confidential under rule 503 provided the client has not waived the privilege or the communication does not fall within the purview of the exceptions to the privilege enumerated in rule 503(d). *Huie v. DeShazo*, 922 S.W.2d 920, 923 (Tex. 1996) (privilege extends to entire communication, including facts contained therein); *In re Valero Energy Corp.*, 973 S.W.2d 453, 457 (Tex. App.—Houston [14th Dist.] 1998, orig. proceeding) (privilege attaches to complete communication, including factual information).

The commission asserts the information subject to section 552.022 consists of attachments to e-mails between attorneys for the commission and commission employees, as well as attorneys for the Office of the Attorney General (the "OAG"). The commission states the

OAG has been providing legal services to the commission with regard to the site. The commission also states the communications were made for the purpose of facilitating the rendition of professional legal services to the commission and these communications were intended to be confidential. Upon review, we find the commission has demonstrated the attachments are part of privileged e-mail communications for purposes of rule 503 of the Texas Rules of Evidence. Accordingly, the attachments subject to section 552.022(a)(1) may be withheld under rule 503. However, we note the court-filed documents subject to section 552.022(a)(17) are separately responsive to the request, and the commission has not demonstrated this information, standing alone, constitutes privileged attorney client communications. Therefore, if the court-filed documents, a representative sample of which we have marked, are maintained by the commission separate and apart from the otherwise privileged e-mail communications in which they are attached, then the commission may not withhold the court-filed documents under rule 503. However, if the court-filed documents are not maintained separate and apart from the otherwise privileged e-mail communications, then the commission may withhold this information under rule 503 of the Texas Rules of Evidence.

Section 552.107(1) of the Government Code protects information coming within the attorney-client privilege. Gov't Code § 552.107(1). The elements of the privilege under section 552.107(1) are the same as those discussed above for rule 503. When asserting the attorney-client privilege, a governmental body has the burden of providing the necessary facts to demonstrate the elements of the privilege in order to withhold the information at issue. ORD 676 at 6-7. Section 552.107(1) generally excepts an entire communication that is demonstrated to be protected by the attorney-client privilege unless otherwise waived by the governmental body. *See Huie*, 922 S.W.2d at 923.

The commission states some of the information not subject to section 552.022 consists of communications between commission staff, commission attorneys, and attorneys from the OAG who have been providing legal services to the commission. The commission states the communications were made for the purpose of facilitating the rendition of professional legal services to the commission. The commission further states the communications were intended to be confidential and have remained confidential. Upon review, we find the commission has demonstrated the applicability of the attorney-client privilege to the information at issue. Therefore, the commission may generally withhold the information at issue, which the commission has indicated, under section 552.107(1) of the Government Code.<sup>2</sup> However, some of the e-mail strings include e-mails and attachments received from or sent to non-privileged parties. Furthermore, if the e-mails and attachments received from or sent to non-privileged parties are removed from the e-mail strings and stand alone, they are responsive to the request for information. Therefore, if these non-privileged e-mails and

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<sup>2</sup>As our ruling is dispositive, we need not address the commission's remaining arguments against disclosure of this information.

attachments, a representative sample of which we have marked, are maintained by the commission separate and apart from the otherwise privileged e-mail strings in which they appear, then the commission may not withhold these non-privileged e-mails and attachments under section 552.107(1) of the Government Code.

We next address the commission's arguments for the court-filed documents to the extent they are maintained by the commission separate and apart from the otherwise privileged e-mail communications in which they are attached. Rule 192.5 encompasses the attorney work product privilege. For purposes of section 552.022 of the Government Code, information is confidential under rule 192.5 only to the extent the information implicates the core work product aspect of the work product privilege. *See* ORD 677 at 9-10. Rule 192.5 defines core work product as the work product of an attorney or an attorney's representative, developed in anticipation of litigation or for trial, that contains the mental impressions, opinions, conclusions, or legal theories of the attorney or the attorney's representative. *See* TEX. R. CIV. P. 192.5(a), (b)(1). Accordingly, in order to withhold attorney core work product from disclosure under rule 192.5, a governmental body must demonstrate the material was (1) created for trial or in anticipation of litigation and (2) consists of the mental impressions, opinions, conclusions, or legal theories of an attorney or an attorney's representative. *Id.*

The first prong of the work product test, which requires a governmental body to show the information at issue was created in anticipation of litigation, has two parts. A governmental body must demonstrate (1) a reasonable person would have concluded from the totality of the circumstances surrounding the investigation there was a substantial chance litigation would ensue, and (2) the party resisting discovery believed in good faith there was a substantial chance litigation would ensue and conducted the investigation for the purpose of preparing for such litigation. *See Nat'l Tank v. Brotherton*, 851 S.W.2d 193, 207 (Tex. 1993). A "substantial chance" of litigation does not mean a statistical probability, but rather "that litigation is more than merely an abstract possibility or unwarranted fear." *Id.* at 204. The second part of the work product test requires the governmental body to show the materials at issue contain the mental impressions, opinions, conclusions, or legal theories of an attorney or an attorney's representative. *See* TEX. R. CIV. P. 192.5(b)(1). A document containing core work product information that meets both parts of the work product test is confidential under rule 192.5, provided the information does not fall within the scope of the exceptions to the privilege enumerated in rule 192.5(c). *See Pittsburgh Corning Corp. v. Caldwell*, 861 S.W.2d 423, 427 (Tex. App.—Houston [14th Dist.] 1993, orig. proceeding).

Although the commission asserts the attorney work product privilege for the court-filed documents, we note this information was disclosed to non-privileged parties. Thus, we find the commission has failed to demonstrate the applicability of the attorney work product privilege to the information subject to section 552.022(a)(17). Therefore, the commission may not withhold the information subject to section 552.022(a)(17) on the basis of the work product privilege in Texas Rule of Civil Procedure 192.5.

Next, the commission claims some of the remaining information is privileged under Texas Rule of Civil Procedure 11. Rule 11 governs the enforcement of agreements between attorneys or parties touching pending suits. *See* TEX. R. Civ. P. 11. However, rule 11 does not expressly make information confidential. *See generally* Open Records Decision Nos. 658 at 4 (1998) (stating that statutory confidentiality provision must be express and confidentiality requirement will not be implied from statutory structure), 478 at 2 (1987) (stating that, as general rule, statutory confidentiality requires express language making information confidential), 465 at 4-5 (1987). Accordingly, the commission may not withhold the remaining information subject to section 552.022 under rule 11 of the Texas Rules of Civil Procedure.

Next, the commission also claims some of the remaining information is privileged under Texas Rule of Evidence 408. Rule 408 governs the admissibility of information developed through compromise negotiations. *See* TEX. R. EVID. 408. However, rule 408 does not expressly make information confidential. *See* Ord 658 at 4, 478 at 2, 465 at 4-5. Accordingly, the commission may not withhold the remaining information under Texas Rule of Evidence 408.

Section 552.111 of the Government Code excepts from disclosure “[a]n interagency or intraagency memorandum or letter that would not be available by law to a party in litigation with the agency[.]” Gov’t Code § 552.111. Section 552.111 encompasses the attorney work product privilege found in rule 192.5 of the Texas Rules of Civil Procedure. ORD 677 at 4-8; *see City of Garland v. Dallas Morning News*, 22 S.W.3d 351, 377 (Tex. 2000). The elements of and test for the attorney work product privilege under section 552.111 are the same as those outlined above for rule 192.5. The commission explains the information it has indicated was created by attorneys or attorney representatives in anticipation of litigation. The commission also states the information at issue contains attorney mental impressions, conclusions, and legal theories. Based on these representations and our review, we conclude the commission may withhold the information it has indicated as attorney work product under section 552.111 of the Government Code.<sup>3</sup>

As stated above, section 552.111 of the Government Code excepts from disclosure “[a]n interagency or intraagency memorandum or letter that would not be available by law to a party in litigation with the agency[.]” Gov’t Code § 552.111. Section 552.111 also encompasses the deliberative process privilege. *See* Open Records Decision No. 615 at 2 (1993). The purpose of section 552.111 is to protect advice, opinion, and recommendation in the decisional process and to encourage open and frank discussion in the deliberative process. *See Austin v. City of San Antonio*, 630 S.W.2d 391, 394 (Tex. App.—San Antonio 1982, writ ref’d n.r.e.); Open Records Decision No. 538 at 1-2 (1990).

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<sup>3</sup>As our ruling is dispositive, we need not address the commission’s remaining arguments against disclosure of this information.

In Open Records Decision No. 615, this office re-examined the statutory predecessor to section 552.111 in light of the decision in *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408 (Tex. App.—Austin 1992, no writ). We determined section 552.111 excepts from disclosure only those internal communications that consist of advice, recommendations, opinions, and other material reflecting the policymaking processes of the governmental body. ORD 615 at 5; *see also City of Garland v. Dallas Morning News*, 22 S.W.3d 351, 364 (Tex. 2000); *Arlington Indep. Sch. Dist. v. Texas Attorney Gen.*, 37 S.W.3d 152 (Tex. App.—Austin 2001, no pet.). A governmental body's policymaking functions do include administrative and personnel matters of broad scope that affect the governmental body's policy mission. *See* Open Records Decision No. 631 at 3 (1995). However, a governmental body's policymaking functions do not encompass routine internal administrative or personnel matters, and disclosure of information about such matters will not inhibit free discussion of policy issues among agency personnel. ORD 615 at 5-6; *see also Dallas Morning News*, 22 S.W.3d at 364 (section 552.111 not applicable to personnel-related communications that did not involve policymaking).

Further, section 552.111 does not generally except from disclosure facts and written observations of facts and events that are severable from advice, opinions, and recommendations. *Arlington Indep. Sch. Dist.*, 37 S.W.3d at 157; ORD 615 at 5. But, if factual information is so inextricably intertwined with material involving advice, opinion, or recommendation as to make severance of the factual data impractical, the factual information also may be withheld under section 552.111. *See* Open Records Decision No. 313 at 3 (1982). When determining if an interagency memorandum is excepted from disclosure under section 552.111, we must consider whether the agencies between which the memorandum is passed share a privity of interest or common deliberative process with regard to the policy matter at issue. *See* Open Records Decision No. 561 at 9 (1990).

This office also has concluded a preliminary draft of a document that has been or is intended for public release in its final form necessarily represents the drafter's advice, opinion, and recommendation with regard to the form and content of the final document, so as to be excepted from disclosure under section 552.111. *See* Open Records Decision No. 559 at 2 (1990) (applying statutory predecessor). Section 552.111 protects factual information in the draft that also will be included in the final version of the document. *See id.* at 2-3. Thus, section 552.111 encompasses the entire contents, including comments, underlining, deletions, and proofreading marks, of a preliminary draft of a policymaking document that will be released to the public in its final form. *See id.* at 2.

Section 552.111 can also encompass communications between a governmental body and a third party, including a consultant or other party with a privity of interest. *See* Open Records Decision No. 561 at 9 (1990) (section 552.111 encompasses communications with party with which governmental body has privity of interest or common deliberative process). For section 552.111 to apply, the governmental body must identify the third party and explain

the nature of its relationship with the governmental body. Section 552.111 is not applicable to a communication between the governmental body and a third party unless the governmental body establishes it has a privity of interest or common deliberative process with the third party. *See id.* We note a governmental body does not have a privity of interest or common deliberative process with a private party with which the governmental body is engaged in contract negotiations. *See id.* (section 552.111 not applicable to communication with entity with which governmental body has no privity of interest or common deliberative process).

The commission states the information it has indicated consists of advice, opinions, and recommendations relating to the policymaking processes of the commission. The commission states it shares a privity of interest with the Environmental Protection Agency (the "EPA"). The commission explains when a federal Superfund site is located in Texas and is placed on the CERCLA<sup>4</sup> list of Superfund sites, the commission works closely with the EPA in various ways, including such things as supplying cleanup standards, contributing a ten-percent cost match, providing technical assistance, and providing operations and maintenance activities, as applicable. The commission also states the information at issue contains drafts of policymaking documents which contain advice, opinions, and recommendations. However, the commission does not state whether the draft documents will be released to the public in their final form. Therefore, to the extent the commission will release the draft documents to the public in their final form, the commission may withhold them in their entireties under section 552.111 of the Government Code. However, if the commission will not release the draft documents to the public in their final form, the commission may not withhold them in their entireties under section 552.111. Nonetheless, we find we find some of the information at issue consists of advice, opinions, and recommendations related to policymaking. Accordingly, the commission may withhold this information, a representative sample of which we have marked, under section 552.111 of the Government Code.<sup>5</sup> However, we find the remaining information at issue consists of either administrative and personnel matters or information that is purely factual in nature. Therefore, the commission has failed to demonstrate the deliberative process privilege applies to the remaining information at issue. Consequently, the commission may not withhold any of the remaining information at issue under section 552.111 of the Government Code.

Section 552.101 of the Government Code encompasses section 382.041 of the Health and Safety Code, which provides, in part, "a member, employee, or agent of the commission may not disclose information submitted to the commission relating to secret processes or methods

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<sup>4</sup>CERCLA stands for the "Comprehensive Environmental Response, Compensation, and Liability Act."

<sup>5</sup>As our ruling is dispositive, we need not address the commission's remaining arguments against disclosure of this information.

of manufacture or production that is identified as confidential when submitted.” Health & Safety Code § 382.041(a). This office has concluded section 382.041 protects information that is submitted to the commission if a *prima facie* case is established the information constitutes a trade secret under the definition set forth in the Restatement of Torts and if the submitting party identified the information as being confidential when submitting it to the commission. *See* Open Records Decision No. 652 (1997). The commission states Columbia marked portions of the remaining information as confidential when Columbia provided the information to the commission. Thus, the information at issue is confidential under section 382.041 to the extent it constitutes a trade secret. However, as noted above, Columbia has not submitted arguments to this office explaining how any of the submitted information constitutes a trade secret. *See* Gov’t Code § 552.305(d)(2)(B). Therefore, we have no basis to conclude any of this information constitutes a trade secret. *See id.* § 552.110; ORDs 552 at 5, 542 at 3. Consequently, the commission may not withhold any of the submitted information under section 552.101 of the Government Code in conjunction with section 382.041 of the Health and Safety Code.

Section 552.117(a)(1) of the Government Code excepts from disclosure the home address and telephone number, emergency contact information, social security number, and family member information of a current or former employee or official of a governmental body who requests this information be kept confidential under section 552.024 of the Government Code.<sup>6</sup> *See* Gov’t Code §§ 552.117(a)(1), .024. We note section 552.117 is also applicable to personal cellular telephone numbers, provided the cellular telephone service is not paid for by a governmental body. *See* Open Records Decision No. 506 at 5-6 (1988) (section 552.117 not applicable to cellular telephone numbers paid for by governmental body and intended for official use). Whether a particular item of information is protected by section 552.117(a)(1) must be determined at the time of the governmental body’s receipt of the request for the information. *See* Open Records Decision No. 530 at 5 (1989). Thus, information may only be withheld under section 552.117(a)(1) on behalf of a current or former employee who made a request for confidentiality under section 552.024 prior to the date of the governmental body’s receipt of the request for the information. Therefore, to the extent the individual whose information is at issue timely requested confidentiality under section 552.024 of the Government Code and the cellular telephone service is not paid for by a governmental body, the commission must withhold the information we marked under section 552.117(a)(1) 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

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<sup>6</sup>The Office of the Attorney General will raise mandatory exceptions on behalf of a governmental body, but ordinarily will not raise other exceptions. *See* Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

address is of a type specifically excluded by subsection (c). Gov't Code § 552.137(a)-(c). The e-mail addresses at issue are not of the types specifically excluded by section 552.137(c). *See id.* § 552.137(c). Accordingly, the commission must withhold the e-mail addresses in the remaining information under section 552.137 of the Government Code unless the owners of the addresses affirmatively consent to their release.

In summary, the attachments subject to section 552.022(a)(1) may be withheld under rule 503 of the Texas Rules of Evidence. To the extent the attachments subject to section 552.022(a)(17) are not maintained separate and apart from the otherwise privileged e-mail communications, then the commission may withhold this information under rule 503 of the Texas Rules of Evidence; however, if the attachments subject to section 552.022(a)(17) are maintained by the commission separate and apart from the otherwise privileged e-mail communications in which they are attached, then the commission may not withhold the attachments under rule 503. The commission may generally withhold the information it indicated under section 552.107(1) of the Government Code; however, to the extent the non-privileged e-mails and attachments are maintained by the commission separate and apart from the otherwise privileged e-mail strings in which they appear, then the commission may not withhold these non-privileged e-mails and attachments under section 552.107(1) of the Government Code. The commission may withhold the information it has indicated as attorney work product under section 552.111 of the Government Code. To the extent the commission will release the draft documents to the public in their final form, the commission may withhold them in their entirety under section 552.111 of the Government Code; however, if the commission will not release the draft documents to the public in their final form, the commission may not withhold them in their entirety, but may withhold the information we have marked under section 552.111 of the Government Code. To the extent the individual whose information is at issue timely requested confidentiality under section 552.024 of the Government Code and the cellular telephone service is not paid for by a governmental body, the commission must withhold the information we marked under section 552.117(a)(1) of the Government Code. The commission must withhold the e-mail addresses in the remaining information under section 552.137 of the Government Code unless the owners of the addresses affirmatively consent to their release. The commission must release the remaining information.

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](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,



Rahat Huq  
Assistant Attorney General  
Open Records Division

RSH/bw

Ref: ID# 659224

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Third Party  
(w/o enclosures)