



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

July 14, 2022

Mr. Edmund W. Robb IV  
Counsel for the Woodlands Water Agency  
Bracewell  
711 Louisiana Street, Suite 2300  
Houston, Texas 77002-2770

OR2022-20323

Dear Mr. Robb:

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# 957367.

The Woodlands Water Agency (the "agency"), which you represent, received a request for specified e-mail addresses. You claim the requested information is excepted from disclosure under sections 552.101 and 552.137 of the Government Code. We have considered the exceptions you claim.<sup>1</sup> We have also received and considered comments from the requestor. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released).

The requestor asserts, and you acknowledge, the agency previously released some of the requested information to other individuals. Section 552.007 of the Government Code provides if a governmental body voluntarily releases information to any member of the public, the governmental body may not withhold such information from further disclosure unless its public release is expressly prohibited by law or the information is confidential under law. *See id.* § 552.007; Open Records Decision No. 518 at 3 (1989); see also Open Records Decision No. 400 (1983) (governmental body may waive right to claim permissive exceptions to disclosure under the Act, but it may not disclose information made confidential by law). Accordingly, pursuant to section 552.007, the agency may not now withhold any previously released information unless its release is expressly prohibited by law or the information is confidential under law. However, because sections 552.101 and 552.137 of the Government Code make information confidential under the Act we will consider the applicability of these sections to the requested information.

---

<sup>1</sup> Although in this instance we can determine the extent to which this fungible information may be excepted from disclosure, we advise the agency in the future to submit for review the actual information that it seeks to protect from disclosure and for which it seeks a ruling from this office. *See* Gov't Code §§ 552.301, .302.

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). The e-mail addresses at issue are not a type specifically excluded by section 552.137(c). Additionally, we note section 552.137 does not apply to a general business e-mail address. Accordingly, with the exception of any general business e-mail addresses, the agency must withhold the requested e-mail addresses under section 552.137 of the Government Code, unless the owners of the e-mail addresses affirmatively consent to their disclosure.<sup>2</sup>

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 <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG’s Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,

Jennifer Copeland  
Assistant Attorney General  
Open Records Division

JC/jxd

Ref: ID# 957367

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

---

<sup>2</sup> As our ruling is dispositive, we need not address your remaining argument against disclosure.