

## Opinions on the Internet

Many Attorney General opinions, letter opinions, and open record decisions are available for viewing on the OAG Wide World Web site, at: <http://www.oag.state.tx.us>. Our site also has the text of the Open Meetings and Open Records Acts, the Administrative Procedure Act, and the handbooks on each of these topics prepared by our office. We also have the state regulations governing Open Records fees.

## Public Information Act

The Public Information Act is designed to give the general public the broadest possible access to governmental documents. The Act lists several specific types of documents that are exempt from disclosure.

If a state or local agency receives a written request for information and believes that some or all of it may be exempt from release, the agency must seek a ruling from the OAG within ten business days after receiving the request. Please note that the restrictions on who may request a legal opinion from the Attorney General do not apply to open record cases.

To assist us in reviewing the matter, you must supply the Open Records Division with the following information:

- a copy of the written request for information
- written comments explaining which exemptions cover the material in question
- a copy of the specific information requested or a representative sample, depending on the amount of material involved. (Mark the copy or samples to indicate which exemptions apply to each section.)

Depending on the records in question, we may ask you for other information to assist us in reaching a decision.

## Open Government Hotline

The staff of the Open Government hotline are trained to answer general questions about open government issues and assist in resolving disputes that arise between the public and governing bodies. Hotline staff can also provide callers with pertinent AG opinions and/or case law. The hotline takes calls from public officials and the general public.

**The Open Government toll-free hotline number is 877-OPEN-TEX.**

# LEGAL SERVICES FOR COUNTY OFFICIALS

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ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

## Legal Advice for Public Officials

The Attorney General is empowered by the Texas Constitution and state law to give legal advice to certain state and local public officials. However, there are limits on the types of legal advice the OAG can give, and on who can request this advice.

- The OAG is not allowed to give legal advice to members of the general public.
- The Attorney General's Office cannot resolve questions of fact; it can only give opinions on legal questions.
- Attorney General opinions have the force of law unless overturned by a court.

## Who Can Request An Opinion

By law, the following public officials may ask the Attorney General for a legal opinion:

- the governor
- the head of a department of state government
- the head or board of a penal institution
- the head or board of an eleemosynary institution
- the head of a state board
- a regent or trustee of a state educational institution
- a committee of the Legislature
- the chairman of a river authority's governing board

Only three county-level officials may ask for an opinion from the Attorney General: a county attorney, a district attorney and, in some instances, a county auditor.

The Attorney General will, upon request, advise a district attorney, county attorney, or criminal district attorney on matters in which the State has an interest.

County auditors' opinion requests should be submitted to the county or district attorney. If the county or district attorney fails or refuses to answer the auditor's request, or if the county auditor, county judge, or any other officer affected by the opinion disagrees with the county or district attorney's opinion, or believes that it is in conflict with former opinions of this office, the OAG will accept an opinion request directly from the auditor.

County and precinct officers can receive written opinions and legal advice from either their county attorney or district attorney, under Section 41.007 of the Texas Govern-

ment Code. Officers who act upon advice from their county attorney or district attorney can use this reliance to demonstrate good faith and to establish official immunity to personal liability. In many cases, an opinion request from a county officer or precinct officer to the county attorney or district attorney serves as the basis for requesting an opinion from the Attorney General.

## How to Request an Opinion

A request for an opinion must be made in writing. It must be sent to the Attorney General by registered or certified mail, with return receipt requested. The opinion request should give a complete statement of the relevant facts, rather than ask a hypothetical question.

Opinion requests from district attorneys and county attorneys must be accompanied by legal briefs that set out legal arguments and authorities, and the attorney's conclusion with respect to the questions asked. All other authorized officials have the option of filing briefs with their requests. The Attorney General welcomes legal briefs from other interested parties.

The OAG does not respond to questions that are the subject of civil or criminal litigation or that require the construction of municipal charters or ordinances.

## Past Opinions

The Office of the Attorney General has an extensive collection of past opinions and open record decisions. We have copies of all opinions issued since 1939, and have yearly indices back to 1949. You can contact the Opinion Library at:

Office of the Attorney General  
Opinion Library—Mail Code 061  
P.O. Box 12548  
Austin, Texas 78711-2548  
(512) 936-1730, fax: (512) 462-0548

We recommend ordering copies of opinions and handbooks by fax. Include your name, phone number, fax number, mailing address, and a list of the materials you need. If faxing your order is not convenient, please call our office or mail in your order.

There is no charge for orders of five or fewer opinions. If the order is for no more than three opinions, we will try to deliver them by fax. Handbooks and larger opinion orders will be sent to you by mail.