



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN, TEXAS 78711

**JOHN L. HILL
ATTORNEY GENERAL**

June 3, 1975

**The Honorable Carlton B. Dodson
Resident Legal Counsel
Texas Tech University Complex
Box 4641
Lubbock, Texas 79409**

Open Records Decision No. 90

**Re: Access by faculty member
to recommendations as to tenure
and performance evaluations.**

Dear Mr. Dodson:

You request our decision under section 7 of the Open Records Act, article 6252-17a, V. T. C. S. A faculty member who has been denied tenure has requested all information in his personnel files, including;

. . . all information of whatsoever kind or nature relevant to my employment relationship with Texas Tech University, anything bearing on my qualifications for employment or bearing upon my termination of employment at Texas Tech University, anything bearing on the decision not to grant tenure to me, anything having to do with my performance as a faculty member at Texas Tech University or evaluation of my performance vis-a-vis my retention or termination as a faculty member of Texas Tech University, and any and all similar or related information of whatever nature contained in my personnel file.

The faculty member specifically seeks access to the "faculty ballots," which are individual recommendations concerning tenure with evaluations and comments made by tenured faculty members in his department or college.

You have provided the faculty member some of the information requested, but contend that the faculty ballots are excepted from disclosure under section 3(a)(11) as intra-agency memoranda.

The information at issue here is the same type as that considered in Open Records Decision No. 55 (1974), and we believe that our decision there is applicable to this information.

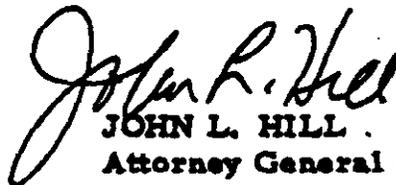
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In that decision we considered the contention that intra-agency documents relating to performance evaluation and recommendations on employment renewal or retention which express personal opinion and are solely for internal use are excepted from disclosure under section 3(a)(11). There we held:

It is our decision, therefore, that information located in the files of the University and having to do with the performance of a faculty member and evaluation of performance vis-a-vis his retention as a faculty member, is information which is made available to the member by Section 3(a)(2) of the Open Records Act.

It is our decision in this instance that the information requested should be disclosed to the individual employee under section 3(a)(2) of the Open Records Act. Such records are not required to be disclosed to members of the public. Open Records Decision No. 20 (1974).

Very truly yours,


JOHN L. HILL
Attorney General of Texas

APPROVED:


DAVID M. KENDALL, First Assistant


C. ROBERT HEATH, Chairman
Opinion Committee