



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN, TEXAS 78711

**JOHN L. HILL
ATTORNEY GENERAL**

September 15, 1975

The Honorable W. O. Shultz, II
University of Texas System Law Office
201 West 7th Street
Austin, Texas 78701

Open Records Decision No. 110

Re: Whether unsuccessful
applicant for employment has
right of access to personnel
records pertaining to him.

Dear Mr. Shultz:

An unsuccessful applicant for employment has requested copies of two letters concerning him and his application for employment. You contend that the information is excepted from required public disclosure by the intra-agency memorandum exception of the Open Records Act, section 3(a)(11), article 6252-17a, V. T. C. S.

The letters contain expressions of opinions and recommendations and is information of the type intended to be excepted from required public disclosure by section 3(a)(11). Attorney General Opinion H-436(1974); Open Records Decisions 106 (1975), 90 (1975), 55 (1974), 20 (1974). The small amount of factual information contained in the letters is incidental to and intertwined with the opinions and recommendations and is not severable.

Section 3(a)(2) gives a special right of access to an individual employee of a governmental body to information in his or her own personnel file. The intra-agency memoranda here relate to the individual's qualifications for employment and are the type which would be considered a part of an individual's personnel file and available to an employee even though excepted from general public disclosure under section 3(a)(11). Open Records Decisions Nos. 90 (1975), 55 (1974). However, the individual in this case is not an employee, and thus the special access provided by section 3(a)(2) is not applicable.

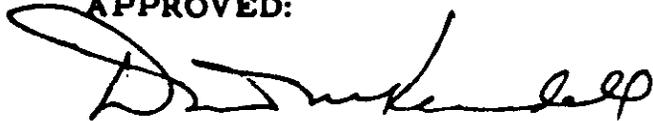
It is our decision that the information requested is excepted from required public disclosure under section 3(a)(11) as intra-agency memoranda, and that under the Open Records Act this unsuccessful applicant for employment has no special right of access to personnel-type information concerning his application by virtue of section 3(a)(2).

Very truly yours,

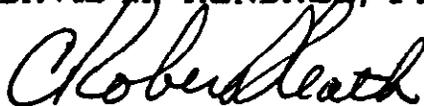
A handwritten signature in cursive script that reads "John L. Hill".

**JOHN L. HILL
Attorney General of Texas**

APPROVED:



DAVID M. KENDALL, First Assistant



C. ROBERT HEATH, Chairman
Opinion Committee

jad: