



# The Attorney General of Texas

March 18, 1981

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Open Records Decision No. 267

Re: Whether affirmative action  
plan and affirmative action report  
prepared by council of governments  
is open to the public

Dear Mr. Beesley:

You have requested our decision under the Open Records Act, article 6252-17a, V.T.C.S., as to whether an annual report regarding an affirmative action plan prepared by the Concho Valley Council of Governments is available to the public. We note that you have not questioned the status of the council as a "governmental body" subject to the Open Records Act. See Open Records Decision No. 228 (1979). You suggest that portions of the report may be withheld from disclosure under sections 3(a)(2) and 3(a)(11) of the act.

The report does not identify specific employees by name, and even if it did so, there is no information contained therein such that its disclosure would constitute a "clearly unwarranted invasion of personal privacy" under section 3(a)(2). See Open Records Decision No. 260 (1980).

On the other hand, this office has long held that section 3(a)(11) excepts from disclosure those inter-office communications which consist of advice, opinions and recommendations. See Open Records Decision Nos. 249 (1980); 174 (1977); Attorney General Opinion H-436 (1974). Those portions of the report which may be so characterized may be withheld from disclosure, and we have marked such portions accordingly. The remainder of the report is not excepted and should therefore be disclosed.

Very truly yours,

**MARK WHITE**  
Attorney General of Texas

**JOHN W. FAINTER, JR.**  
First Assistant Attorney General

**Mr. W. Hampton Beesley - Page Two**

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**APPROVED:  
OPINION COMMITTEE**

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