



# The Attorney General of Texas

July 6, 1983

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An Equal Opportunity/  
Affirmative Action Employer

Mr. John R. Marshall  
Director/Chief Appraiser  
Dallas County Appraisal District  
2601 Live Oak  
Dallas, Texas 75204

Open Records Decision No. 388

Re: Whether records regarding appraisal methods for new car dealership are public information under the Open Records Act

Dear Mr. Marshall:

You have requested our decision as to whether materials regarding appraisal methods for automobiles and personal property are excepted from required public disclosure under the Open Records Act, article 6252-17a, V.T.C.S. The materials consist of manuals or schedules employed in the appraisal of new automobiles, including unit price appraisals for all makes of new vehicle inventories, as well as unit price appraisals for used vehicle inventories. Appraisal schedules for personal property, specifically office furniture, are also included. You claim that such materials are excepted from public disclosure by section 3(a)(11) which excepts:

inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than one in litigation with the agency.

We disagree and conclude that such materials are open for public examination.

You suggest that the requested materials constitute the opinions and mental processes of the appraisal district's employees, and that, because they are not final, but are subject to later modification, they fall within the section 3(a)(11) exception. This office has repeatedly held that section 3(a)(11) excepts advice, opinion, and recommendation. Open Records Decision No. 335, 334, (1982). The section is designed to protect advice and opinion on policy matters and to encourage open and frank discussion regarding administrative action. Open Records Decision Nos. 344, 335, 308 (1982). The requested materials consist of appraisal schedules, none of the materials which you submitted consist of advice, opinion, or recommendation. They consist of arithmetical tables which appraisers employ in order to estimate value. As a federal court declared when

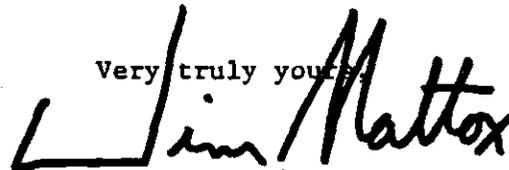
construing the Freedom of Information Act counterpart to section 3(a)(11):

It generally has been accepted that exemption five incorporates the governmental privilege, developed in discovery cases, to protect documents containing advisory opinions and recommendations or reflecting deliberations comprising the process by which government policy is formulated. . . . [T]he courts have required disclosure of essentially factual material but allowed agencies to withhold documents which reveal their deliberative or policy-making processes.

Mead Data Central, Inc. v. United States Department of the Air Force,  
566 F.2d 242, 256 (D.C. Cir. 1977).

None of the requested material reflects "deliberations comprising the process by which government policy is formulated." Cf. Open Records Decision No. 342 (1982). We note that section 6(14) specifically makes open "administrative staff manuals and instructions to staff that affect a member of the public." We hold that the requested materials can fairly be denominated "administrative staff manuals and instructions to staff." We conclude that the requested material is not excepted from required public disclosure by section 3(a)(11).

Very truly yours,



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