



THE ATTORNEY GENERAL
OF TEXAS

JIM HANTON
ATTORNEY GENERAL

January 8, 1990

Mr. Mark Rose
Deputy General Manager
Lower Colorado River Authority
P.O. Box 220
Austin, Texas 78767

Dear Mr. Rose:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 8387; this decision is OR90-005.

The Lower Colorado River Authority received an open records request for notes made during interviews and evaluations of employees for promotion at the Fayette Power Project. You contend that these documents are protected from required public disclosure by section 3(a)(1)-(a)(3) of the Open Records Act. We have considered the exceptions you claimed and reviewed the documents at issue. Your request for an open records decision with regard to section 3(a)(3) falls within a previous determination of this office, Open Records Decision No. 331 (1982), a copy of which is enclosed. For this reason, the requested information is not protected by section 3(a)(3). Your request with regard to section 3(a)(1) and (a)(2) is governed by Attorney General Opinion JM-36 (1983): information contained in even highly subjective evaluations of employees is not protected by either common-law or a constitutional right to privacy. You have raised none of the act's other exceptions to required public disclosure; the requested information must therefore be released in its entirety.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a

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published open records decision. If you have questions about this ruling, please refer to OR90-005.

Yours very truly,

*Open Government Section
of the Opinion Committee*

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Approved by Susan Garrison
Assistant Attorney General

SG/RWP/le

Ref.: ID# 8387

Enclosure: Documents Sent