



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTON
ATTORNEY GENERAL

February 14, 1990

G. V. Brindley, Jr., M.D.
Executive Director
Texas State Board of Medical Examiners
P.O. Box 13562, Capitol Station
Austin, Texas 78711

OR90-054

Dear Dr. Brindley::

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# 8402.

Whether information is excepted by section 3(a)(16) is determined by examining it in light of the policies expressed by the state auditor to the Legislature when this exception was sought. See Open Records Decision No. 164 (1977). The Legislature based the auditor's working papers exception on three concerns of the state auditor: (1) the working paper files reflect audit strategy which needs to be kept from client agencies, (2) they contain expressions of opinions by auditors and clients which are subject to misrepresentation if taken out of context, and (3) they contain evidence of assistance given to law enforcement agencies. Testimony on H.B. 6 before Jurisprudence Comm. 63d Leg. 53 (April 10, 1973) (transcript available from Senate Staff Services Offices).

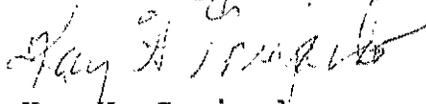
The letter in question is already in the possession of the state agency under investigation by the state auditor. The reason for the exception -- the preservation of secrecy from client agencies, audit strategy, discussion and opinion by persons involved in the audit or certain law enforcement officials -- does not exist; thus, the exception does not apply. Just as the letter is open to the client agency, it is open to the public.

We have considered the exception you claimed, specifically section 3(a)(16), and reviewed the documents at issue. Previous determinations of this office, Open Records Decision Nos. 164 (1977) and 424 (1984), copies of which are enclosed, resolve your request. You have not raised any

other exception. For this reason, you must release the requested information.

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 published open records decision. If you have questions about this ruling, please refer to OR90-054.

Yours very truly,



Kay H. Guajardo
Assistant Attorney General
Opinion Committee

KHG/le

Ref.: ID# 8402

Enclosure: Open Records Decision Nos. 164, 424

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