



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTOX
ATTORNEY GENERAL

February 9, 1990

Mr. Max J. Werkenthin
Office of the General Counsel
The University of Texas System
201 West Seventh Street
Austin, Texas 78701

Dear Mr. Werkenthin:

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# 8742; this decision is OR90-060.

The University of Texas System has received a request under the Texas Open Records Act, V.T.C.S. art. 6252-17a, for "a copy of the executive summary prepared by the U.T. administrative staff for the Board of Regents regarding the proposal to select either First City, Texas-Houston or NCNB Texas as financial custodian for the Permanent University Fund." You have enclosed several documents containing this information, certain portions of which you believe are excepted from public disclosure by section 3(a)(11) of the Open Records Act. These portions of the documents, which you have marked and discussed in your letter, range from entire pages to single words.

The purpose of section 3(a)(11) of the Open Records Act is "to protect from public disclosure advice and opinions on policy matters and to encourage frank and open discussion within the agency in connection with its decision-making processes." Austin v. City of San Antonio, 630 S.W.2d 391, 394 (Tex. App. - San Antonio 1982, writ ref'd n.r.e.); Attorney General Opinion H-436 (1974). We have considered the exception you have claimed and reviewed the documents you have submitted. With one exception, we agree that the items you have marked are protected from public disclosure by section 3(a)(11) and need not be released under the Open Records Act. We have marked one sentence in item 4(a) which is a statement of fact, and not opinion, advice, and recommendation. This sentence, as well as the remaining portions of the document, is available to the public.

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 OR90-060.

Yours very truly,



Susan Garrison
Assistant Attorney General
Opinion Committee

SG/le

Ref.: ID# 8742; 8673; 8741