



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTOX
ATTORNEY GENERAL

June 12, 1990

Mr. Michael G. Kelly
Attorney for Ector County I.S.D.
P.O. Box 1311
Odessa, Texas 79760

OR90-222

Dear Mr. Kelly:

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# 9139.

The Ector County Independent School District has received a request for the entire personnel file of one of its teachers. To the release of part of this file, the employee evaluations and teacher appraisals, you raise section 3(a)(11) of the Open Records Act, which excepts from required public disclosure "inter-agency or intra-agency memorandums or letters which would not be available by law to a party in litigation with the agency."

The purpose of section 3(a)(11) is to protect from public disclosure advice, opinion, and recommendation used in the decisional process within an agency or between agencies. See Open Records Decision No. 538 (1990). The requested information consists of advice, opinion, or recommendation to be used in the school district's deliberative process. No purely factual information about the teacher appears in the evaluation and appraisals; consequently, you may withhold them based on section 3(a)(11). See Open Records Decision Nos. 538 (1990); 450 (1986); see also Open Records Decision No. 174 (1977). The remaining documents are 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 OR90-222.

Yours very truly,

A handwritten signature in cursive script that reads "Kay H. Guajardo".

Kay H. Guajardo
Assistant Attorney General
Opinion Committee

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Ref.: ID# 9129

Enclosure: Open Records Decision Nos. 538 ,450
Documents Sent