



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTOX
ATTORNEY GENERAL

June 20, 1990

Mr. Jesus Toscano, Jr.
Assistant City Attorney
City of Dallas
City Hall
Dallas, Texas 75201

OR90-256

Dear Mr. Toscano:

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# 9061.

The City of Dallas received a request for information concerning a report prepared by the Dallas Police Department entitled Control of Drugs in Dallas: A Comprehensive Strategy for the 1990s. In addition to the report itself, which you indicate you have provided to the requestor, the requestor seeks memoranda, correspondence, and notes prepared by or at the direction of the chief of police concerning the report. The memoranda consist of comments about the report solicited by the chief of police from his executive staff. You seek to withhold these memoranda from required public disclosure under section 3(a)(11) of the Open Records Act.

Section 3(a)(11) of the act excepts inter-agency and intra-agency memoranda and letters that contain advice, opinion, or recommendation intended for use in the entity's deliberative process. Open Records Decision Nos. 464 (1987); 239 (1980). The purpose of this section 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.) (citing Open Records Decision No. 222 (1979)). The memoranda at issue here are precisely the type of information protected from disclosure under section 3(a)(11), as they consist of the opinions and evaluations of the executive staff of the police department concerning policy matters. For this reason, you may withhold 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 OR90-256.

Yours very truly,



David A. Newton
Assistant Attorney General
Opinion Committee

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Ref.: ID# 9061

Enclosure: Documents Submitted

cc: Mr. Jack H. Taylor
Dallas Times Herald
1101 Pacific Avenue
Dallas, Texas 75202

Lorraine Adams
Dallas Morning News
Communications Center
Dallas, Texas 75265