



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTON
ATTORNEY GENERAL

July 27, 1990

Mr. James T. Herod
Deputy Executive Director
Employees Retirement System of Texas
P.O. Box 13207
Austin, Texas 78711-3207

OR90-336

Dear Mr. Herod:

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# 10075.

The Employees Retirement System of Texas (ERS) received an open records request for the staff evaluations of proposals for a computer consulting contract recently awarded by ERS. You seek to withhold these evaluations pursuant to section 3(a)(11).

Section 3(a)(11) of the act excepts inter-agency and intra-agency memoranda and letters, but only to the extent that they contain advice, opinion, or recommendation intended for use in the entity's deliberative process. Section 3(a)(11) does not protect factual information that is severable from advice, opinions, and recommendation. Open Records Decision No. 450 (1986). We have marked those portions of the evaluations that you may withhold pursuant to section 3(a)(11); the remaining information must be released.

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 OR90-336.

Yours very truly,

Sarah Woelk
Assistant Attorney General
Opinion Committee

SW/RWP/le

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Ref.: ID# 10075

Enclosure: Marked documents

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