



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTOX
ATTORNEY GENERAL

August 1, 1990

Honorable Kent Hance
Chairman
Railroad Commission of Texas
P. O. Drawer 12967
Austin, Texas 78711-2967

OR90-357

Dear Mr. Hance:

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# 9915.

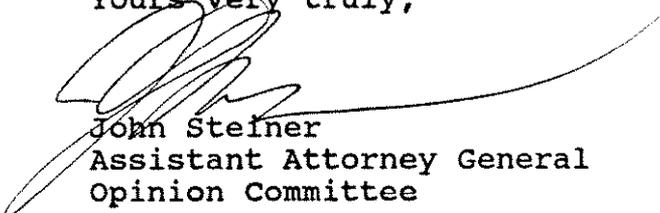
We have considered the exception you claimed, specifically sections 3(a)(1), 3(a)(2), and 3(a)(11), and have reviewed the documents at issue.

Common-law privacy as incorporated into the Open Records Act by section 3(a)(1) does not except from public disclosure information that is of legitimate concern to the public. The public has an obvious interest in the performance of public employees. Open Records Decision No. 444 (1986).

Factual recitations of events are not within the exception for advice, opinion, and recommendation used in the deliberative process. See, e.g., Open Records Decision No. 559 (1990), at 4. Accordingly, 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 OR90-357.

Yours very truly,


John Steiner
Assistant Attorney General
Opinion Committee

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Ref.: ID# 9915

Enclosure: Open Records Decision Nos. 444, 559