



DAN MORALES
ATTORNEY GENERAL

Office of the Attorney General
State of Texas

February 1, 1991

Mr. David M. Feldman
Attorney
Vinson & Elkins
3300 First City Tower
1001 Fannin
Houston, Texas 77002-6760

OR91-073

Dear Mr. Feldman:

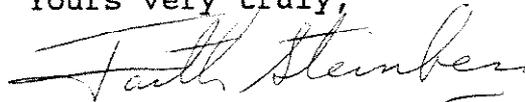
As attorney for the Fort Bend Independent School District, you ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 10886.

We have considered the exception you claim, 3(a)(11) specifically, and have reviewed the audio tapes at issue. Section 3(a)(11) protects inter- or intra-agency communications of advice, opinion, and recommendation from disclosure; however, it does not except factual information, unless it is inextricably intertwined with protected material. Austin v. City of San Antonio, 630 S.W.2d 391 (Tex. App. - San Antonio 1982, writ ref'd n.r.e); Open Records Decision No. 350 (1982). The tapes submitted to us record an inquiry into events surrounding an unfortunate situation at the Fort Bend ISD last year. We find that the majority of the taped discussion consists of factual information detailing those events. However, the discussion also contains some speculation as to what would have happened had other procedures been followed, and recommendations for avoiding a similar series of events in the future. These statements are protected under section 3(a)(11), and may be withheld. The balance of the tapes must be disclosed.

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 pub-

lished open records decision. If you have questions about this ruling, please refer to OR90-073.

Yours very truly,



Faith Steinberg
Assistant Attorney General
Opinion Committee

FS/le

Ref.: ID# 10886, 10924, 10963

Enclosure: Open Records Decision No. 350

cc: Ms. Thelma Rodriguez
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