



DAN MORALES
ATTORNEY GENERAL

Office of the Attorney General
State of Texas

February 13, 1991

Mr. Ron Lindsey
Commissioner
Texas Department of Human Services
P. O. Box 149030
Austin, Texas 78714-9030

OR91-088

Dear Mr. Lindsey:

The Department of Human Services received a request under the Open Records Act, article 6252-17a, V.T.C.S., for copies of evaluations of a job applicant. The department did not make those evaluations available because previous attorney general opinions had stated that a governmental body may withhold such evaluations. See generally Open Records Decisions Nos. 538 (1990); 481, 466 (1987). You now seek confirmation that it was appropriate for the department to rely on past decisions as previous determinations for purposes of section 7(a) of the Open Records Act. Because previous opinions have established that evaluations of job applicants prepared at the request of a governmental body may be withheld under section 3(a)(11), it was appropriate for the department to deny the request without seeking a decision of the attorney general. Please note that if the department wishes to seek a decision of the attorney general in regard to the availability of records, it is to do so within 10 days of receipt of a request for the records. V.T.C.S. art. 6252-17a, § 7.

Very truly yours,

A handwritten signature in cursive script that reads "Sarah Woelk".

Sarah Woelk
Assistant Attorney General
Opinion Committee

SW/lcd

Ref.: ID# 11425
cc: Ms. Sharon Frazier
Texas Department of Human Services
P. O. Box 149030
Austin, Texas 78714-9030