



DAN MORALES  
ATTORNEY GENERAL

Office of the Attorney General  
State of Texas

May 30, 1991

Ms. Susan M. Kelley  
General Counsel  
Texas Workers' Compensation Commission  
4000 South IH-35  
Austin, Texas 78704

OR91-252

Dear Ms. Kelley:

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# 12371.

We have considered the exception you claimed, specifically, section 3(a)(11), and have reviewed the document at issue. That document is an applicant prescreen ranking worksheet for job posting number 91-665.

Section 3(a)(11) excepts from disclosure "inter-agency or intra-agency memorandums or letters which would not be available by law to a party in litigation with the agency." Section 3(a)(11) was designed to protect advice and opinion on agency matters in order to encourage open and frank discussion in the deliberative process of governmental bodies. Section 3(a)(11), however, does not except from disclosure facts or written observations about facts. Open Records Decision Nos. 538 (1990); 470 (1987).

You may withhold from disclosure pursuant to section 3(a)(11) only the actual rankings of the applicants on the prescreen ranking worksheet. Open Records Decision No. 249 (1980). The remaining information on the form consists of the names of the applicants ranked, factual data about the position and its posting, the identity of the employee conducting the screening, and the criteria employed in the screening and the weight given to each factor. None of this information is advice, opinion, or recommendation used in internal agency deliberations.

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 OR91-252.

Yours very truly,



Celeste A. Baker  
Assistant Attorney General  
Opinion Committee

CAB/lb

Ref.: ID# 12371

Enclosure: document; Open Records Decision Nos. 538, 470, 249

cc: Roberto R. Hopkins  
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