



DAN MORALES  
ATTORNEY GENERAL

Office of the Attorney General  
State of Texas

June 17, 1991

Mr. Edward H. Perry  
Assistant City Attorney  
City of Dallas  
City Hall  
Dallas, Texas 75201

OR91-279

Dear Mr. Perry:

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# 12567.

The City of Dallas (the city) received an open records request for all records pertaining to proposed cuts in the city fire department's 1991-92 budget. You contend that the requested information comes under the protection of sections 3(a)(6) and 3(a)(11) of the Open Records Act.

Exception 3(a)(6) protects "drafts and working papers involved in the preparation of proposed legislation." The purpose of the exception is similar to that of section 3(a)(11): to encourage frank discussion on policy matters between the subordinates or advisors of a legislative body and the legislative body; it protects the internal "deliberative" or policy-making processes of a governmental body. Open Records Decision No. 460 (1987). Section 3(a)(6) does not except purely factual material; rather, it excepts only policy judgments, recommendations, and proposals involved in the preparation of proposed legislation. Section 3(a)(6) applies only to drafts and working papers prepared by persons with some official responsibility to prepare them for the legislative body. *Id.*

We have reviewed the documents at issue. A previous determination of this office, Open Records Decision No. 460, resolves your request. The information at issue, which was prepared by the city fire department and submitted to the city manager's office, consists solely of opinions as to proposed cuts in the up-coming budget, and as such is precisely the type of information section 3(a)(6) was intended to protect. Accordingly, you may withhold the information submitted to this office in its entirety pursuant to section 3(a)(6).

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 OR91-279.

Yours very truly,



Rick Gilpin  
Assistant Attorney General  
Opinion Committee

RG/RWP/lb

Ref.: ID# 12567

Enclosures: Submitted documents (Exhibit B)

cc: Mr. Bryant Tillery  
President  
Local 58 - IAFF  
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