



DAN MORALES
ATTORNEY GENERAL

Office of the Attorney General
State of Texas

August 30, 1991

Ms. Myra S. Chickering
Attorney for Fort Bend I. S. D.
Vinson & Elkins
3300 First City Tower
1001 Fannin
Houston, Texas 77002-6760

OR91-401

Dear Ms. Chickering:

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# 12210.

You have received a request for copies of a certain employee's personnel file, documents related to that employee's reassignment, records of evaluations, and a tape transcript. You claim that the requested information is excepted from required public disclosure by section 3(a)(11) of the Open Records Act.

We have considered the exception you claimed and have reviewed the documents submitted to us. Previous open records decisions resolve your request. Section 3(a)(11) excepts:

inter-agency or intra-agency memorandums or letters which would not be available by law to a party in litigation with the agency.

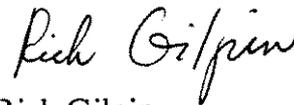
V.T.C.S. art. 6252-17a, § 3(a)(11). Section 3(a)(11) excepts memoranda and letters, but only to the extent that they contain advice, opinion, or recommendation intended for use in the entity's policy-making or deliberative process. Open Records Decision No. 464 (1987). However, facts and written observations of fact which are severable from material excepted under section 3(a)(11) must be disclosed. Open Records Decision No. 582 (1990). The documents you submitted to us contain advice, opinion, or recommendation. We have marked those portions of the documents that contain advice, opinion, or recommendation. The marked

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information may be withheld from required public disclosure under section 3(a)(11). The remaining information must be released immediately.

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 OR91-401.

Yours very truly,



Rick Gilpin
Assistant Attorney General
Opinion Committee

RG/GK/lb

Ref.: ID# 12210, 12230, 12384

cc: Ms. Paula J. Traffas
Van Os, Deats, Rubinett & Owen, P.C.
900 Congress Avenue, Suite 400
Austin, Texas 78701