



Office of the Attorney General  
State of Texas

August 26, 1993

DAN MORALES  
ATTORNEY GENERAL

Ms. Rose-Michel Munguia  
Legal Counsel  
General Services Commission  
P.O. Box 13047  
Austin, Texas 78711-3047

OR93-528

Dear Ms. Munguia:

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# 19823.

The Texas General Services Commission (the "commission") has received two requests for information relating to the commission's Telecommunications Planning Group and the commission's contract with Southwestern Bell Telephone. We understand that the commission provided the requestor with information responsive to his first request, including a copy of the contract between the State of Texas and Southwestern Bell Telephone Company and all accompanying correspondence. Subsequently, the requestor submitted a further request for "all other documents and notes concerning the Southwestern Bell Contract at the General Services Commission," including:

1. All notes or memoranda of Mr. Schremp or other GSC personnel from the Telecommunications Planning Group (the "TPG") meetings on August 3, 1992, August 10, 1992, and September 15, 1992 and the TPG retreat on October 1, 1992; and
2. All notes or memoranda of Mr. Pouland or other GSC personnel from Mr. Pouland's meeting with Mr. Trammell of Southwestern Bell on October 26, 1992.

You advise us that most of the requested information has been released to the requestor. You object, however, to release of the remainder of the requested information and claim that it is excepted from required public disclosure by section 3(a)(11) of the Open Records Act.

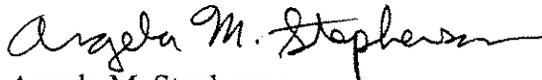
You claim that the information submitted to us for review constitutes "inter-agency or intra-agency memorandums or letters which would not be available by law to a party in litigation with the agency" under section 3(a)(11) of the act and, therefore, is

excepted from public disclosure. In Open Records Decision No. 615 (1993) (copy enclosed), this office recently reexamined the section 3(a)(11) exception and held that section 3(a)(11) excepts only those internal communications consisting of advice, recommendations, opinions, and other material reflecting the policymaking processes of the governmental body at issue. An agency's policymaking functions, however, do not encompass internal administrative or personnel matters; disclosure of information relating to such matters will not inhibit free discussion among agency employees as to policy issues. *Id.* at 5-6. In addition, section 3(a)(11) does not except from disclosure purely factual information that is severable from the opinion portions of internal memoranda. *Id.* at 4-5.

You seek to withhold under section 3(a)(11) a single document that appears to memorialize a contract negotiation. Having examined the document, we conclude that it constitutes "inter-agency or intra-agency memorandums or letters" and pertains to the policy functions of the commission; however, some of the information contained in this document is purely factual. We have marked those portions of the document that may be withheld from required public disclosure under section 3(a)(11). The remainder of the submitted document must be released.

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 contact this office.

Yours very truly,



Angela M. Stepherson  
Assistant Attorney General  
Open Government Section

AMS/GCK/jcc

Ref.: ID# 19823

Enclosures: Open Records Decision No. 615  
Marked document

cc: Mr. Keith E. Gamel  
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(w/o enclosures)