



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

August 26, 1993

Mr. Charles Griffith, III  
Deputy City Attorney  
City of Austin  
P.O. Box 1088  
Austin, Texas 78767-8828

OR93-542

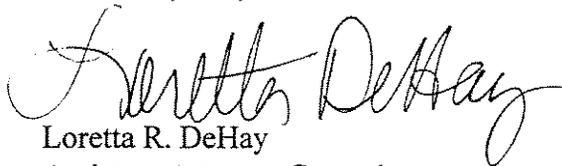
Dear Mr. Griffith:

The City of Austin (the "city") has received two requests for information relating to certain allegations of discrimination and requested a decision of this office pursuant to section 7 of the Texas Open Records Act (the "act"), V.T.C.S. article 6252-17a. Your request was partially disposed of in Open Records Letter Ruling OR93-400 (1993), in which this office addressed the applicability of sections 3(a)(1), 3(a)(3), and 3(a)(11) of the act. Because the decision in *Texas Dep't of Pub. Safety v. Gilbreath*, 842 S.W.2d 408 (Tex. App.--Austin 1992, no writ) required reexamination of the section 3(a)(11) exception, we allowed you an additional 15 days to submit arguments in accordance with the *Gilbreath* decision. We now consider the additional arguments you have submitted for withholding the requested documents under section 3(a)(11) of the act. We have assigned your request ID# 21251.

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." In Open Records Decision No. 615 (1993) (copy enclosed), this office reexamined the section 3(a)(11) exception in light of the *Gilbreath* decision and held that section 3(a)(11) excepts only those internal communications consisting of advice, recommendations, opinions, and other material reflecting the deliberative or 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 personnel as to policy issues. *Id.* at 5-6. As the information relates to a personnel matter, *i.e.*, allegations of discrimination against employees, we conclude that section 3(a)(11) does not except it from required public disclosure. Accordingly, except as noted in Open Records Ruling OR93-400, the requested information must be released in its entirety.

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,



Loretta R. DeHay  
Assistant Attorney General  
Open Government Section

LRD/GCK/jmn

Enclosures: Open Records Decision No. 615

Ref.: ID# 21251

cc: Mr. Dennis Garza  
LULAC President  
4905 Allison Cove  
Austin, Texas 78741

Ms. Diana Borja  
2804 Rock Terrace  
Austin, Texas 78704