



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

December 29, 1993

Ms. Roberta Lloyd Fremaux  
Assistant County Attorney  
Harris County District Attorney's Office  
1001 Preston, Suite 634  
Houston, Texas 77002-1891

OR93-757

Dear Ms. Fremaux:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code (former V.T.C.S. article 6252-17a).<sup>1</sup> Your request was assigned ID# 19105.

The Harris County Constable of Precinct 5 received an open records request from a former employee for "my personnel file." You state that some of the requested information has been released to the requestor. You seek to withhold, however, pursuant to former section 3(a)(11) of the Open Records Act (now found at section 552.111 of the Government Code) portions of certain memoranda contained in the personnel file.

Section 552.111 of the Government Code excepts interagency and intra-agency memoranda and letters, but only to the extent that they contain advice, opinion, or recommendation intended for use in the entity's policymaking process. Open Records Decision No. 615 (1993) at 5. The purpose of this section is "to protect from public disclosure advice and opinions *on policy matters* and to encourage frank and open discussion within the agency in connection with its decision-making processes." *Austin v. City of San Antonio*, 630 S.W.2d 391, 394 (Tex. App.--San Antonio 1982, writ ref'd n.r.e.) (emphasis added). In Open Records Decision No. 615 (1993), this office held that

to come within the [section 552.111] exception, information must be related to the *policymaking* functions of the governmental body. An agency's policymaking functions do not encompass routine internal administrative and personnel matters . . . . (Emphasis in original.)

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<sup>1</sup>The Seventy-Third Legislature repealed article 6252-17a, V.T.C.S. Acts 1993, 73d Leg., ch. 268, § 46, at 988. The Open Records Act is now codified in the Government Code at chapter 552. *Id.* § 1. The codification of the Open Records Act in the Government Code is a nonsubstantive revision. *Id.* § 47.

The information you seek to withhold pertains solely to the internal deliberations of personnel matters and as such do not come under the protection of section 552.111. Because you have raised none of the act's other exceptions to required public disclosure, 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 our office.

Yours very truly,



Rebecca L. Payne  
Section Chief  
Open Government Section

RLP/RWP/rho

Ref.: ID# 19105

Enclosures: Open Records Decision No. 615  
Submitted documents

cc: Mr. Joseph J. Martino  
8039 Boone Road  
Houston, Texas 77072  
(w/o enclosures)