



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

January 19, 1994

Mr. Richard D. Monroe
Deputy General Counsel
Texas Department of Transportation
125 East 11th Street
Austin, Texas 78701

OR94-005

Dear Mr. Monroe:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act (the "act"), Government Code chapter 552.¹ We assigned your request ID# 23326.

The Texas Department of Transportation (the "department") has received a request for nine categories of information relating to the department's employee selection process. You do not object to release of most of the requested information, to the extent that it exists, but object to release of information responsive to the second category, in which the requestor seeks "[a]ny notations made by Mr. Bayless on all the interviews for Colorado, Wharton and Matagorda Counties for these positions." You claim that section 552.111 of the act exempts this information from required public disclosure.

Section 552.111 of the act exempts information that constitutes an "interagency or intraagency memorandum or letter that 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 552.111 exception and held that section 552.111 exempts 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 submitted to us for review relates to a personnel

¹We note that the Seventy-third Legislature repealed V.T.C.S. article 6252-17a. Acts 1993, 73d Leg., ch. 268, § 46. 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.

matter, *i.e.*, notes taken during a job interview, we conclude that section 552.111 does not except it from required public disclosure. Accordingly, the department must release the requested information 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/rho

Ref.: ID# 23326

Enclosures: Open Records Decision No. 615
Submitted documents

cc: Ms. Chrysteen M. Kuhns
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(w/o enclosures)