



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 22, 1994

Ms. Alesia L. Sanchez
Legal Assistant
Legal Services, 110-1A
Texas Department of Insurance
P. O. Box 149104
Austin, Texas 78714-9104

OR94-567

Dear Ms. Sanchez:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 24434.

The Texas Department of Insurance ("the department") received a request for its files regarding David S. Moses. You say you have made some of the requested information available to the requestor, but seek to withhold from required public disclosure the remaining requested information based on sections 552.107(1) and 552.111 of the Government Code. You submitted copies of "representative samples" of the information the department seeks to withhold.

Section 552.107(1) of the Government Code permits a governmental body to withhold from required public disclosure information that consists of legal opinion and advice rendered to a client or client confidences. *See* Open Records Decision No. 574 (1990). The bulk of the information for which you assert this exception contains no legal advice or opinion. It is not apparent from the face of the documents that they contain client confidences. Consequently, you may withhold only one portion of one document under section 552.107(1) of the Government Code.

Section 552.111 of the Government Code, another exception to the required public disclosure of information in the Open Records Act, applies to internal communications that consist of advice, opinion, and recommendation reflecting the policymaking processes of the governmental body at issue. *See* Open Records Decision

No. 615 (1993). This exception does not apply to purely factual information that is severable from the opinion portions of the memorandum. *See id.* We have marked the portions of the documents which you may withhold under section 552.111 of the Government Code.

In reaching our conclusion here, we assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499, 497 (1988) (where requested documents are numerous and repetitive, governmental body should submit representative sample; but if each record contains substantially different information, all must be submitted). This open records letter does not reach, and therefore does not authorize the withholding of any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

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,



Kay Guajardo
Assistant Attorney General
Open Government Section

KHG/MAR/rho

Ref.: ID# 24434

Enclosures: Marked documents

cc: Mr. Joseph Babb
Babb and Bradshaw
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Austin, Texas 78767
(w/o enclosures)