



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 30, 1994

Mr. David A. Talbot, Jr.
General Counsel
Office of the Governor
P.O. Box 12428
Austin, Texas 78711

OR94-804

Dear Mr. Talbot:

On behalf of the Office of the Governor, 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# 26005.

The Office of the Governor received a request under the Open Records Act for

copies of all maps, correspondence, telephone memos, surveys, studies, agreements, and memoranda of any nature whatsoever regarding the Man and the Biosphere Reserve program for the Big Bend Area.

You object to releasing two copies of a draft agreement within this request, claiming that the documents are excepted from disclosure by section 552.111 of the Government Code.¹ You state that the agreement in question--The Cooperative Agreement to Promote Natural Resource Conservation Among the States of Chihuahua and Coahuila, United Mexican States, and the State of Texas, United States of America--requires additional review and decision-making by the Governor's office before it is finally approved by the Governor.

¹You state that you have released the remaining documents to the requestor.

Section 552.111 of the Government Code permits you to withhold "[a]n interagency or intraagency memorandum or letter that would not be available by law to a party in litigation with the agency." This exception protects internal agency communications consisting of advice, recommendations, opinions and other material reflecting the deliberative or policy making processes of the governmental body. Open Records Decision No. 615 (1993). Purely factual information is not excepted from disclosure by section 552.111. *Id.*

The subject matter of the documents, a proposed agreement between the State of Texas and the States of Chihuahua and Coahuila, involves the policymaking processes of the state. Moreover, the draft agreements consist of advice, opinions, and recommendations reflecting the policymaking process. *See* Open Records Decision No. 559 (1990). We have examined the documents and find no severable factual information. Accordingly, the copies of the draft may be withheld pursuant to section 552.111.

Because prior published open records decisions resolve your request, we are resolving this matter with an 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,



Susan L. Garrison
Assistant Attorney General
Open Government Section

SLG/LRD/rho

Ref.: ID# 26005

Enclosures: Open Records Decision No. 559
Submitted documents

cc: Ms. Norma Kiser
Davis Mountains Trans-Pecos
Heritage Association
P.O. Box 1209
Alpine, Texas 79831
(w/o enclosures)