



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 28, 1995

Mr. Julian Grant
Deputy City Attorney
City of Temple
Municipal Building
Temple, Texas 76501

OR95-1290

Dear Mr. Grant:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 36754.

The City of Temple (the "city") received a request for copies of any written materials concerning the requestor's client, Marvin Karl, which have any relevance to the subject addressed in an attached letter. You state that the city has made available most of the documents requested. However, you claim that a portion of the requested information is excepted from disclosure under section 552.111 of the Government Code. We have considered the exception you claimed and have reviewed the documents at issue.

Section 552.111 excepts "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), this office reexamined the predecessor to the section 552.111 exception in light of the decision in *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408 (Tex. App.--Austin 1992, no writ), and held that section 552.111 excepts only those internal communications consisting of advice, recommendations, opinions, and other material reflecting the policymaking processes of the governmental body. 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. Open Records Decision No. 615 (1993) at 5-6. In addition, section 552.111 does not except from disclosure purely factual information that is severable from the opinion portions of internal memoranda. *Id.* at 4-5. We conclude that the marked information contained in the first and third submitted documents is purely factual. The information on the second submitted document does not relate to the city's policymaking process.

Therefore, the city may not withhold the marked information from required public disclosure under section 552.111 of the Government Code.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Stacy E. Sallee
Assistant Attorney General
Open Records Division

SES/rho

Ref.: ID# 36754

Enclosures: Submitted documents

cc: Mr. E. Wayne Bachus
Wayne Bachus & Associates
110 North Main Street
Belton, Texas 76513
(w/o enclosures)