



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 5, 1996

Ms. Raenell Silcox
Attorney
Resource Protection Division
Texas Parks and Wildlife Department
4200 Smith School Road
Austin, Texas 78744

OR96-0293

Dear Ms. Silcox:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 38857.

The Texas Parks and Wildlife Department (the "department") received a request for "any and all documents pertaining to the East Texas Salt Water Company's water leak into Hawkins Creek between November 2 and November 10, 1995." You believe that four documents responsive to the request are excepted from disclosure by section 552.111 of the Government Code. You have submitted these documents to us for review.

Section 552.111 excepts from disclosure an interagency or intraagency memorandum or letter that would not be available to a party in litigation. This exception applies to a governmental body's internal communications consisting of advice, recommendations, or opinions reflecting the policymaking process of the governmental body at issue. *See* Open Records Decision Nos. 631 (1995) at 3; 615 (1993) at 5. The policymaking functions of an agency, however, do not encompass routine internal *administrative and personnel matters*. *Open Records Decision No. 615 (1993) at 5.* Furthermore, section 552.111 does not except from disclosure purely factual information that is severable from the opinion portions of the communication. The two documents in Attachment II are internal memos about how "restitution monies" relating to the water leak should be spent. Although these documents contain the advice of the drafter, they also contain purely factual information that is severable from the drafter's advice. We have marked the memos in Attachment II to show which portions are excepted from disclosure by section 552.111.

When a record is genuinely a preliminary draft of a document that has been released or is intended for release in a final form, the draft necessarily represents the advice, recommendations, or opinions of the drafter as to the form and content of the final document. Open Records Decision No. 559 (1990) at 2. Section 552.111 therefore excepts such a draft from disclosure. You state that the two documents in Attachment III are "draft documents, the final versions of which are being released to [the requestor]." Accordingly, the department may withhold the two documents in Attachment III from disclosure pursuant to section 552.111.

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 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/ch

Ref: ID# 38857

Enclosures: Marked documents

cc: Mr. Jim Collins
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P.O. Box 6552
Longview, Texas 75608
(w/o enclosures)