



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

April 19, 1996

Ms. Robin Smith
Staff Attorney
Texas Natural Resource Conservation
Commission
P.O. Box 13087
Austin, Texas 78711-3087

OR96-0583

Dear Ms. Smith:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 39629.

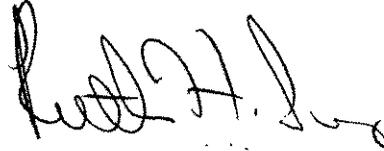
The Texas Natural Resource Conservation Commission ("TNRCC") received a request for additions, amendments or other information relating to Laidlaw Environmental Services' applications for waste permits. Most of the documents apparently have already been released to the requestor, but you assert that a memorandum dated March 5, 1996, is excepted from disclosure pursuant to section 552.111 of the Government Code.¹

Section 552.111 excepts from disclosure interagency or intra-agency communications "consisting of advice, recommendations, opinions, and other material reflecting the deliberative or policymaking processes of the governmental body." Open Records Decision No. 615 (1993) at 5. Our review of the memorandum at issue shows that it is related to the policymaking process of the TNRCC. We have marked the portions of the memorandum that may be withheld from disclosure under 552.111. The remaining information must be provided the requestor.

¹The requestor apparently seeks the information on behalf of the Lower Colorado River Authority, but it is our understanding that you are treating this as an open records request rather than as a non-public disclosure of information between governmental bodies. We note that a state agency may generally transfer information to another state agency without waiving exceptions to release of information under chapter 552 of the Government Code. See Open Records Decision No. 561 (1990).

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,

A handwritten signature in black ink, appearing to read "Ruth H. Soucy". The signature is fluid and cursive, with a large initial "R" and "S".

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/rho

Ref.: ID# 39629

Enclosures: Marked document

cc: Ms. Sabrina Van Steenkiste
Legal Assistant
Henry, Lowerre, Johnson, Hess & Frederick
202 West 17th Street
Austin, Texas 78701
(w/o enclosures)