



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 17, 1996

Ms. Donna Garcia Davidson
Assistant General Counsel
Office of the Governor
P.O. Box 12428
Austin, Texas 78711

OR96-1713

Dear Ms. Davidson:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 101408.

The Office of the Governor received a request for the following information:

John Chamberland's report concerning the use of Wagner-Peyser funds and memorandum from Mike Patterson to Diane Rath concerning the use of Wagner-Peyser funds in Massachusetts.

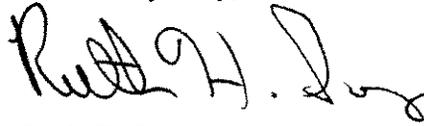
You state that you have provided the requestor with part of the information requested. You contend, however, that a portion of the memorandum at issue and a draft of the report are excepted from disclosure pursuant to section 552.111 of the Government Code. You have submitted these documents to this office for review.

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; *see Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408 (Tex. App.--Austin 1992, no writ). However, section 552.111 does not except from disclosure purely factual information. We agree that part of the highlighted provision of the memorandum is excepted from disclosure pursuant to section 552.111. We have marked the information in the memorandum that may be withheld from disclosure.

The section 552.111 exception also protects from disclosure preliminary drafts of documents related to policymaking matters, since drafts represent the advice, opinion, and recommendation of the drafter as to the form and content of the final documents. *See* Open Records Decision No. 559 (1990). Thus, the draft of the report may also be withheld 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,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref.: ID# 101408

Enclosures: Marked documents

cc: Lynn McCray
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(w/o enclosures)