



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

October 29, 1996

Mr. John Steiner  
Division Chief  
City of Austin  
Law Department  
P.O. Box 1088  
Austin, Texas 78767-1088

OR96-1976

Dear Mr. Steiner:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 101783.

The City of Austin (the "city") received an open records request for a draft of a letter, the final version of which was sent to the requestor. You assert that the requested information is excepted from required public disclosure under sections 552.103 and 552.111 of the Government Code.

Section 552.111 excepts "[a]n 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 concluded that section 552.111 excepts from required public disclosure only those internal communications consisting of advice, recommendations, opinions, and other material reflecting the policymaking processes of the governmental body. In addition, section 552.111 does not except from disclosure purely factual information that is severable from the opinion portions of internal memoranda. *Id.* You assert that the draft letter may be withheld from required public disclosure in its entirety under section 552.111 because it is a draft. A draft of a document that has been released or is intended for release in final form may qualify for exception under section 552.111, because the draft necessarily represents the advice, opinion, and recommendation of the drafter as to the form and content of the final document. Open Records Decision No. 559 (1990) at 2. In this instance, we agree that section 552.111 excepts the draft letter from required public disclosure in its entirety.<sup>1</sup>

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<sup>1</sup>As we resolve this matter under section 552.111, we need not address your arguments under section 552.103.

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 may 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 "Todd Reese". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Todd Reese  
Assistant Attorney General  
Open Records Division

RTR/rho

Ref.: ID# 101783

Enclosures: Submitted documents

cc: Mr. Matthew F. Kreisle, III  
PageSoutherlandPage  
606 West Avenue  
Austin, Texas 78701  
(w/o enclosures)