



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

January 15, 1997

Ms. Jackie Denman  
Acting City Manager  
City of Lancaster  
P.O. Box 940  
Lancaster, Texas 75146-0940

OR97-0086

Dear Ms. Denman:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 31874.

The City of Lancaster (the "city") received a request for a specific interoffice memorandum concerning a letter from the requestor to the City Manager. You have highlighted those portions of the requested document which you claim should be excepted from required public disclosure by section 552.111 of the Government Code. We have considered the exception you claim and have reviewed the document at issue.

Section 552.111 of the Government Code excepts interagency and intra-agency memoranda and letters, but only to the extent that they contain advice, opinion, or recommendation intended for use in the entity's policymaking process. Open Records Decision No. 615 (1993) at 5. The purpose of this section is "to protect from public disclosure advice and opinions *on policy matters* and to encourage frank and open discussion within the agency in connection with its decision-making processes." *Austin v. City of San Antonio*, 630 S.W.2d 391, 394 (Tex. App.--San Antonio 1982, writ ref'd n.r.e.) (emphasis added). Section 552.111 does not protect facts and written observation of facts and events that are severable from advice, opinions, and recommendation. Open Records Decision No. 615 (1993) at 5.

We agree that the highlighted portions of the document at issue contain the advice, opinion, and recommendations of the writer regarding policy matters and as such may be withheld pursuant to section 552.111. The remainder of the memorandum must be released.

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,



Vickie Prehoditch  
Assistant Attorney General  
Open Records Division

VDP/rho

Ref.: ID# 31874

Enclosures: Marked documents

cc: Mr. Jack and Ms. Joyce Minyard  
121 Palmer Circle  
Lancaster, Texas 75146  
(w/o enclosures)