



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

June 4, 1997

Ms. Christine Rodriguez  
Legal and Compliance MC-110-1A  
Texas Department of Insurance  
P.O. Box 149104  
Austin, Texas 78714-9104

OR97-1292

Dear Ms. Rodriguez:

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# 107267.

The Texas Department of Insurance ("TDI") received a request for the following information:

1. [The top (5) bids] received by the Commissioner of Insurance regarding his solicitation for the appointment of a special deputy receiver of Insurance Corporation of America ("ICA");
2. All "scoring" sheets of other documents ranking or evaluating the above-referenced bids or submissions;
3. All documents received after the original deadline for the submission of bids for the appointment of a special deputy receiver for ICA which in any way supplement, modify, amend, change or enhance submissions or bids.

You state that TDI will release some of the requested information to the requestor. However, you assert that the remaining documents are excepted from disclosure under section 552.111 of the Government Code. You have submitted a representative sample of the documents you seek to withhold.<sup>1</sup>

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<sup>1</sup>In reaching our conclusion here, we assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

Section 552.111 excepts from disclosure “an 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 reexamined the predecessor to the section 552.111 exception in light of the decision in *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408 (Tex. App.--Austin 1992, no writ), and held that section 552.111 excepts only those internal communications consisting of advice, recommendations, opinions, and other material reflecting the policymaking processes of the governmental body. Decision No. 615 (1993) at 5-6. Section 552.111 does not except from disclosure purely factual information that is severable from the opinion portion of internal memoranda. Open Records Decision No. 559 (1990). We have reviewed the documents at issue and marked the information that must be disclosed to the requestor. The remaining information may be withheld under 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 on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



June B. Harden  
Assistant Attorney General  
Open Records Division

JBH/alg

Ref.: ID# 107267

Enclosures: Submitted documents

cc: Ms. Susan J. Taylor  
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Houston, Texas 77046  
(w/o enclosures)