



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

September 24, 1997

Ms. Maria Elena Ramon  
Legal Services Division  
Texas General Land Office  
Stephen F. Austin Building  
1700 North Congress Avenue  
Austin, Texas 78701-1495

OR97-2132

Dear Ms. Ramon:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 109245.

The Texas General Land Office received a request for "a copy of the winning proposal, a copy of the scoring evaluation, and other company pricing for the RFO # 77344-HR." You state that you will release most of the requested information. You claim, however, that you may withhold certain information on the scoring evaluation under section 552.111 of the Government Code. You have marked the information you seek to withhold. We have considered the exception you claim and have reviewed the documents at issue.

Section 552.111 excepts "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. Section 552.111 does not except from disclosure purely factual information that is severable from the opinion portions of internal memoranda. Open Records Decision No. 615 (1993) at 4-5. You contend that the bracketed information in the scoring evaluation consists of advice, opinion or recommendation. The information you seek to withhold is contained within the "other pertinent comments" column of the scoring evaluations. After examining the submitted information, we find that the marked portions of the evaluations may be withheld from required public disclosure 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 upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Don Ballard  
Assistant Attorney General  
Open Records Division

JDB/ch

Ref: ID# 109245

Enclosures: Submitted documents

cc: Mr. Lexi Kunding  
Victina Systems International  
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(w/o enclosures)