



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

March 10, 1998

Mr. J. Robert Giddings  
Office of General Counsel  
The University of Texas System  
201 West Seventh Street  
Austin, Texas 78701-2981

OR98-0668

Dear Mr. Giddings:

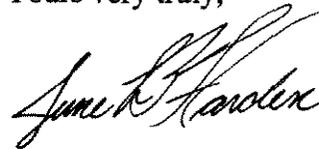
You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 113120.

The University of Texas at Austin (the "university") received a request for "the recommendations and feedback on the five UT presidential finalists compiled by staff -- and sent to the UT System Board of Regents[.]" You claim that the requested information is excepted from disclosure under section 552.111 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

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. An agency's policymaking functions, however, do not encompass internal administrative or personnel matters; disclosure of information relating to such matters will not inhibit free discussion among agency personnel as to policy issues. Open Records Decision No. 615 (1993) at 5-6. In addition, section 552.111 does not except from disclosure purely factual information that is severable from the opinion portions of internal memoranda. *Id.* at 4-5. After reviewing the submitted information, we do not believe that the comments relate to the policymaking function of the university. Compare Open Records Decision No. 615 (1993) (correspondence relating solely to internal personnel matter does not implicate policymaking functions of university) with Open Records Decision No. 631 (1995) (report addressing university's affirmative action policies involves university's educational mission). Consequently, requested information 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 on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "June B. Harden". The signature is fluid and cursive, with the first name "June" being particularly prominent.

June B. Harden  
Assistant Attorney General  
Open Records Division

JBH/alg

Ref.: ID# 113120

Enclosures: Submitted documents

cc: Ms. Beth Wawerna  
The Daily Texan  
P.O. Box D  
Austin, Texas 78713-7209  
(w/o enclosures)