



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 15, 1998

Ms. Susan C. Rocha
City Attorney
Denton, McKamie & Navarro
1700 Tower Life Building
310 South St. Mary's Street
San Antonio, Texas 78205-3111

OR98-2187

Dear Ms. Rocha:

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# 118181.

The San Antonio River Authority (the "authority") received a request for various information relating to a specific building incident. Although you state that most of the requested information has been released, you claim that the submitted documents are excepted from disclosure under section 552.111 of the Government Code.¹ We have considered the exception you claim and reviewed the submitted information.

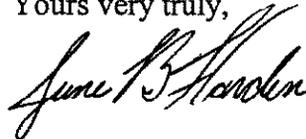
Section 552.111 excepts from disclosure "an interagency or intraagency memorandum or letter that would not be available by law to a party in litigation with the agency." In Open Records Decision No. 615 (1993), this office reexamined the predecessor to the section 552.111 exception in light of the decision 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 at 5-6 (1993). Section 552.111 does not except from disclosure purely factual information that is severable from the opinion portion of internal memoranda. Open

¹You state that most of the requested information has been released. The requestor claims, however, that he has not received these documents. Although disputed questions of fact are not resolvable in the open records process, we note that these documents are now presumed to be public. Gov't Code 552.302.

Records Decision No. 559 (1990). We have reviewed the documents at issue and have marked the information that may be withheld under section 552.111. The remaining information must be disclosed to the requestor.

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/ch

Ref.: ID# 118181

Enclosures: Marked documents

cc: Mr. Manuel Rico
138 King William
San Antonio, Texas 78204
(w/o enclosures)