



August 2, 1999

Ms. Susan M. Cory
General Counsel
Texas Workers' Compensation Commission
Southfield Building, MS-4D
4000 South IH 35
Austin, Texas 78704-7491

OR99-2166

Dear Ms. Cory:

You ask whether certain information is subject to required public disclosure under the Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 126127.

The Texas Workers' Compensation Commission (the "commission") received a request for the State Office of Risk Management's Medical Interim Audit Report. You claim that the requested interim report is excepted from disclosure under sections 552.111 and 552.116 of the Government Code. We have considered the exceptions you claim and have reviewed the document at issue.

Section 552.116 reads as follows:

An audit working paper or draft audit report of the state auditor or of another state agency or institution of higher education as defined by Section 61.003, Education Code, is excepted from [required public disclosure].

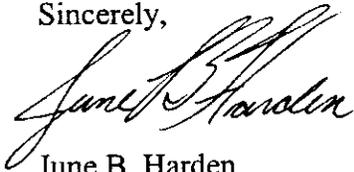
The Seventy-fifth Legislature amended section 552.116. Act of May 30, 1997, H.B. 2906, § 10, 75th Leg., R.S. The house bill amending section 552.116 also amended Government Code section 321.001 to define the term "audit working paper" as

all documentary and other information prepared or maintained in conducting an audit or investigation, including all intra-agency and interagency communications relating to an audit or investigation and all draft reports or portions thereof.

After careful review, we agree that the information at issue constitutes "audit working paper[s]" as defined in Government Code section 321.001. Accordingly, we conclude that the commission may withhold the interim report under section 552.116 of the Government Code.

Because we are able to make a determination under section 552.116, we need not address your additional arguments against disclosure. 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.

Sincerely,



June B. Harden
Assistant Attorney General
Open Records Division

JBH/ch

Ref: ID# 126127

Encl. Submitted documents

cc: Ms. Trish Moore
TMC Group
3829 Dry Creek Drive, #246
Austin, Texas 78731
(w/o enclosures)