



November 30, 1999

Mr. Vernon M. Arrell  
Commissioner  
Texas Rehabilitation Commission  
4900 North Lamar Boulevard  
Austin, Texas 78751-2399

OR99-3441

Dear Mr. Arrell:

You ask whether certain information is subject to required public disclosure under the Texas Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 129745.

The Texas Rehabilitation Commission (the "Commission") received a request for

[a]ll policies, procedures, rules, and regulations issued or promulgated by TRC by way of trc.net or otherwise, which pertain to the management, provision, purchase, coordination, and delivery of goods and services to TRC clients by persons, firms and entities that contract with TRC to deliver attendant care services to TRC clients.

You assert that the requested information is excepted from required public disclosure based on section 552.103 of the Government Code.<sup>1</sup> We conclude, however, that the Commission must release the information requested to the requestor based on section 552.022 of the Government Code.

---

<sup>1</sup> Section 552.103(a), reads as follows:

(a) Information is excepted from [required public disclosure] if it is information relating to litigation of a civil or criminal nature to which the state or a political subdivision is or may be a party or to which an officer or employee of the state or a political subdivision, as a consequence of the person's office or employment, is or may be a party.

A governmental body has the burden of providing relevant facts and documents to show the applicability of an exception in a particular situation.

Section 552.022 sets out eighteen categories of public information. The Act's exceptions generally do not apply to the categories of information contained in the provision.<sup>2</sup> Section 552.022 states in relevant part as follows:

(a) Without limiting the amount or kind of information that is public information under this chapter, the following categories of information are public information and not excepted from required disclosure under this chapter unless they are expressly confidential under other law:

...

(8) a statement of the general course and method by which an agency's functions are channeled and determined, including the nature and requirements of all formal and informal policies and procedures;

...

(14) administrative staff manuals and instructions to staff that affect a member of the public;

We believe that the information at issue here fits into categories 8 and 14 of the section 552.022 list of public information. Accordingly, regardless of whether the Commission has established the applicability of section 552.103, the information is public and must be released.

We are resolving this matter with this 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 may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



Kay H. Hastings  
Assistant Attorney General  
Open Records Division

KHH/jc

---

<sup>2</sup>Three exceptions to this general rule exist. First, any information in the section 552.022 list that is expressly made confidential under other law must be withheld. Second, under subsection (1) of section 552.022, "a complete report, audit, evaluation, or investigation made of, for, or by a governmental body" may be excepted from disclosure under section 552.108, assuming the governmental body establishes the applicability of that exception. Third, information in attorney fee bills that is within the attorney-client privilege may be excepted from disclosure under section 552.107(1).

Ref.: ID# 129745

Encl.: Submitted documents

cc: Mr. John Judge  
Judge & Brim, P. C.  
2525 Wallingwood Drive, Building 14  
Austin, Texas 78746  
( w/o enclosures)