



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 28, 2011

Mr. Ryan Downton
General Counsel
Committee on Redistricting
Texas House of Representatives
P.O. Box 2910
Austin, Texas 78768-2910

OR2011-09168

Dear Mr. Downton:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 423347.

Representative Burt R. Solomons, as Chairman of the Texas House of Representatives Committee on Redistricting, ("Chairman Solomons") received a request for all proposed Texas congressional redistricting maps submitted to Chairman Solomons by the "texas congressional delegation" or its staff. You claim that the requested information is excepted from disclosure under sections 552.103, 552.106, 552.111 of the Government Code. We have considered the exceptions you claim and reviewed the submitted representative sample of information.¹

Section 552.106(a) excepts from required public disclosure "[a] draft or working paper involved in the preparation of proposed legislation[.]" Gov't Code § 552.106(a). Section 552.106(a) ordinarily applies only to persons with a responsibility to prepare information and proposals for a legislative body. *See* Open Records Decision No. 460 at 1 (1987). The purpose of this exception is to encourage frank discussion on policy matters between the subordinates or advisors of a legislative body and the members of the legislative body; therefore, section 552.106 encompasses only policy judgments, recommendations, and proposals involved in the preparation of proposed legislation and does not except purely

¹We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

factual information from public disclosure. *Id.* at 2. However, a comparison or analysis of factual information prepared to support proposed legislation is within the ambit of section 552.106. *Id.*

You indicate the submitted information consists of draft maps created by members of the United States Congress from Texas concerning the congressional redistricting process. You state the "redistricting process involves the drafting of legislation setting forth the new redistricting maps[.]" You assert the submitted information reveals advice, opinions, and recommendations that reflect deliberative or policymaking processes pertaining to the redistricting process. Upon review, we find the submitted information constitutes advice, opinion, analysis, and recommendation regarding proposed legislation. Therefore, Chairman Solomons may withhold this information under section 552.106 of the Government Code. As our ruling is dispositive, we need not address your remaining arguments against disclosure.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Jennifer Luttrall
Assistant Attorney General
Open Records Division

JL/dls

Ref: ID# 423347

Enc. Submitted documents

c: Requestor
(w/o enclosures)