



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 26, 2013

Ms. Patsy Spaw
Secretary of the Senate
Texas Senate
P.O. Box 12068
Austin, Texas 78711

OR2013-14896

Dear Ms. Spaw:

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# 497895.

The Texas Senate (the "senate") received a request for information pertaining to S.B. 241 during a specified time period. You state you are making some information available to the requestor. You claim the submitted information is excepted from disclosure under sections 552.106 and 552.111 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.106(a) of the Government Code 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 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 explain the submitted information consists of tally sheets with handwritten notes that summarize senators' policy judgments on the legislation at issue, related staff e-mails analyzing and discussing the tally results, e-mails among legislative staff that contain internal discussions of the procedural posture of the legislation and analysis of arguments used in favor and opposition of the legislation, and tracking documents discussing vote results. You state this information was prepared directly and entirely for the purpose of enacting legislation. You also state that at the time these documents were created and used, the bill to which they relate was still subject to amendment or revision before being passed. You inform us the information at issue was never made public or distributed to any person beyond the authoring senator and appropriate members of his staff. Based upon these representations and our review, we find the submitted information constitutes advice, opinion, analysis, and recommendation regarding proposed legislation. Therefore, the senate may withhold the submitted information under section 552.106 of the Government Code. As our ruling is dispositive, we need not address your remaining argument 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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Ana Carolina Vieira
Assistant Attorney General
Open Records Division

ACV/ag

Ref: ID# 497895

Enc. Submitted documents

c: Requestor
(w/o enclosures)