



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTOX
ATTORNEY GENERAL

August 16, 1990

Mr. Ron Lindsey
Commissioner
Texas Department of Human Services
701 W. 51st St.
P.O. Box 149030
Austin, Texas 78714-9030

OR90-379

Dear Mr. Lindsey:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 9310.

The Department of Human of Human Services provided certain documents to an individual, who now asks the department to identify for her the names of the authors or contributors of two of those documents. Additionally, in reference to "a performance ranking" section of an RIF document she was given, the requestor asks the department to identify "who determined the rankings, what time period was used for the decision process, and what data was used for this decision process." As to this last part of the requestor's inquiry, you indicate that there was no performance ranking, and that the employees were merely ranked in alphabetical order. You claim that the names of authors and contributors to the other documents are excepted from disclosure by section 3(a)(11).

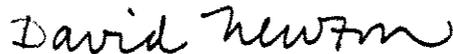
We have considered the exception you claimed and have reviewed the documents at issue. The Open Records Act does not require the preparation of information in the form requested by a member of the public. Open Records Decision No. 145 (1976). Nor does the act require a governmental body to answer factual questions. See Open Records Decision No. 347 (1982). Thus, if the names of the authors did not appear on the documents, they need not be supplied pursuant to the Open Records Act. The agency may, of course, provide the requestor with the names, at its discretion.

Section 3(a)(11) of the act excepts inter-agency and intra-agency memoranda and letters, but only to the extent

that they contain advice, opinion, or recommendation intended for use in the entity's deliberative process. Open Records Decision No. 464 (1987); 239 (1980). Section 3(a)(11) does not protect facts and written observation of facts and events that are severable from advice, opinions, and recommendation. Open Records Decision No. 450 (1986). The names of the authors of these documents are purely factual information. Therefore, if the authors' or contributors' names did appear on the documents, and were deleted from the documents before they were provided to the requestor, copies of the documents with the names should be provided to the requestor, as the names are not excepted from disclosure by section 3(a)(11).

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR90-379.

Yours very truly,



David A. Newton
Assistant Attorney General
Opinion Committee

DAN/le

Ref.: ID# 9310

cc: Marie D. Garland
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