



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTON
ATTORNEY GENERAL

October 24, 1990

Mr. William H. Brooks
Division Director
Texas Department of Criminal Justice
Pardons & Paroles Division
P.O. Box 13401, Capitol Station
Austin, Texas 78711

OR90-504

Dear Mr. Brooks:

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# 9648.

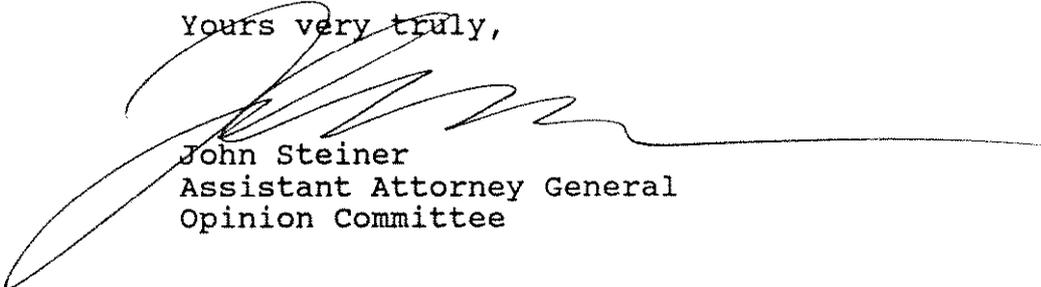
We have considered the exception you claimed, specifically section 3(a)(11), and have reviewed the documents at issue. Section 3(a)(11) of the act excepts advice, opinion, or recommendation intended for use in the entity's deliberative process. Open Records Decision No. 557 (1990). Section 3(a)(11) does 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 minutes of the Electronic Monitoring Advisory Committee consist primarily of advice, opinion, or recommendation intended for use in the deliberative process. Such factual information as is contained in these materials is not reasonably severable. For this reason, you may withhold the minutes. The memo regarding the performance evaluation is excepted by section 3(a)(11) in part. We have marked the memo to indicate which portions are closed and which are open.

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 OR90-504.

Yours very truly,



John Steiner
Assistant Attorney General
Opinion Committee

JS/le

Ref.: ID# 9648

Enclosure: Marked documents

cc: Chris A. Mealy
Electronic Monitoring Consultant
Texas Security Network
6543 Ledbetter
Houston, Texas 77087