



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

June 27, 1994

Ms. Susan L. Wheeler
Associate University Counsel
University of Houston System
1600 Smith, Suite 3400
Houston, Texas 77002

OR94-272

Dear Ms. Wheeler:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, Government Code chapter 552 (formerly V.T.C.S. article 6252-17a).¹ We assigned your request ID# 24218.

The University of Houston (the "university") has received four requests for information relating to the tenure, promotion, and salary increases of university faculty for the years 1987 through 1994. The requestor seeks information that includes the criteria used to make tenure, promotion, and salary-increase decisions; a list of tenure and promotion applications approved and denied; the resumes of faculty members who applied for tenure or promotion; and documents reflecting final decisions or recommendations regarding tenure, promotion, or salary increases. You advise us that the university will make some of the requested information available to the requestor. You claim that the remaining information, representative samples of which you have submitted to us for review, is excepted from required public disclosure by section 552.111 of the Government Code (formerly section 3(a)(11) of V.T.C.S. article 6252-17a).

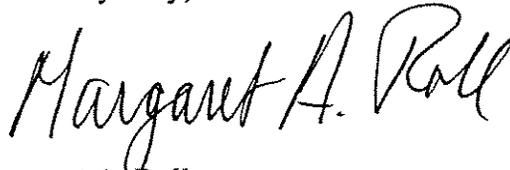
Section 552.111 excepts from disclosure an "interagency or intraagency memorandum or letter that would not be available by law to a party in litigation with the agency." In Open Records Decision No. 615 (1993) (copy enclosed), this office reexamined the section 552.111 exception and concluded that section 552.111 excepts only those internal communications consisting of advice, recommendations, opinions,

¹The Seventy-third Legislature codified the Open Records Act as chapter 552 of the Government Code and repealed article 6252-17a, V.T.C.S. See Acts 1993, 73d Leg., ch. 268, §§ 1, 46. The codification of the Open Records Act in the Government Code is a nonsubstantive codification. *Id.* § 47.

and other material reflecting the policymaking processes of the governmental body at issue. In addition, this office concluded that an agency's policymaking functions do not encompass internal administrative or personnel matters, because disclosure of information relating to such matters will not inhibit free discussion among agency personnel as to policy issues. *Id.* The requested information relates to an internal administrative and personnel matter, *i.e.*, faculty promotions. Accordingly, we conclude that section 552.111 does not except the submitted information from required public disclosure. The university must release the requested information in its entirety.

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 contact this office.

Yours very truly,



Margaret A. Roll
Assistant Attorney General
Open Government Section

MAR/GCK/rho

Ref.: ID# 24218

Enclosures: Open Records Decision No. 615
Submitted documents

cc: Mr. Jim Herrington
Organizational Specialist
Texas Faculty Association
1415 Southmore
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(w/o enclosures)