



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

June 27, 1994

Mr. Ivan J. Mlachak  
Feldman & Associates  
12 Greenway Plaza, Suite 1202  
Houston, Texas 77046

OR94-275

Dear Mr. Mlachak:

You have asked this office to determine if certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 24875.

The Fort Bend Independent School District (the "district") received a request for information concerning the district's health insurance policy. The requestor has asked for any recommendations concerning the health insurance policy that were made by the district's administration to the district's board of trustee. The requestor has also asked for "correspondence, studies, analysis and evaluations" about the health insurance issue made by board of trustee members, outside consultants and the district's administrative staff. You state that you have already provided most of the requested documents to the requestor. However, you have submitted to this office for review various documents that the district has not disclosed, which you contend are excepted by section 552.111.

Section 552.111 excepts from public disclosure an "interagency or intraagency memorandum or letter that would not be available by law to a party in litigation with the agency." The proper scope and interpretation of this section were addressed by this office in Open Records Decision No. 615 (1993), in light of the holding in *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408 (Tex. App.--Austin 1992, no writ). This office stated:

We conclude that [section 552.111] excepts from disclosure only those internal communications consisting of advice, recommendations, opinions, and other material reflecting the deliberative or policymaking processes of the governmental body at issue. . . . [W]e stress that in order to come within the [section 552.111] exception, information must be related to the *policymaking*

functions of the governmental body. An agency's policymaking functions do not encompass routine internal administrative and personnel matters; disclosure of information relating to such matters will not inhibit free discussion among agency personnel as to policy issues.

Open Records Decision No. 615 at 5 (emphasis in original).

A review of the documents you submitted to this office indicates that these documents concern the choosing of a health insurance carrier for the district. Selection of a health insurance carrier is a routine internal administrative matter and not part of the district's policymaking function. This information must therefore be released.

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 our office.

Yours very truly,



Ruth H. Soucy  
Assistant Attorney General  
Open Government Section

RHS/MAR/rho

Ref.: ID# 24875

Enclosures: Submitted documents

cc: Mr. Naren R. Patel  
5602 Dairy Brook Cove  
Sugar Land, Texas 77479  
(w/o enclosures)