



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 29, 1995

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

OR95-157

Dear Ms. Wheeler:

You ask whether 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# 30248.

The University of Houston - Victoria (the "university") received an open records request for, among other things, a copy of "the 1992-93 and the 1993-94 job performance evaluations of" the university's department chairs and other faculty administrators. You contend that the requested information comes under the protection of section 552.111 of the Government Code.

Section 552.111 of the Government Code excepts from required public disclosure interagency 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 policymaking process. Open Records Decision No. 615 (1993) at 5. The purpose of this section is "to protect from public disclosure advice and opinions *on policy matters* and to encourage frank and open discussion within the agency in connection with its decision-making processes." *Austin v. City of San Antonio*, 630 S.W.2d 391, 394 (Tex. App.--San Antonio 1982, writ ref'd n.r.e.) (emphasis added). In Open Records Decision No. 615 (1993) at 5, this office concluded that

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

After reviewing the evaluations you submitted to this office, we conclude that these records do not encompass policy matters, but rather concern routine personnel matters, that is, individual job performance evaluations. As such, these records do not come under the protection of section 552.111. Accordingly, the university must release these records in their entirety.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay
Assistant Attorney General
Open Government Section

LRD/RWP/rho

Ref.: ID# 30248

Enclosures: Submitted documents

cc: Mr. Jim Herrington
Organizational Specialist
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(w/o enclosures)