



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

June 8, 1995

Mr. Robert E. Diaz
Police Legal Advisor
City of Arlington
101 West Abram Street, Box 231
Arlington, Texas 76004-0231

OR95-355

Dear Mr. Diaz:

You ask for reconsideration of Open Records Letter No. 94-521 (1994), which concerned a request for information made to the City of Arlington (the "city") for certain promotion-board materials. We assigned your request ID# 29027.

The City of Arlington claimed that the requested information was excepted from required public disclosure under section 552.111 of the Government Code.¹ We concluded in Open Records Letter No. 94-521 (1994) that section 552.111 of the Government Code did not except the requested information from required public disclosure.

Section 552.111 excepts "[a]n 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), this office concluded that section 552.111 excepts from public disclosure only those internal communications consisting of advice, recommendations, opinions, and other material reflecting the policymaking processes of the governmental body at issue. Open Records Decision No. 615 (1993) at 5.

¹We note that the city also claimed that handwritten notes made by the promotion assessors were not subject to the Open Records Act. Information used by a public official or employee in the performance of official duties is generally public information. *See, e.g.*, Attorney General Opinion JM-1143 (1990) at 2; *see also* Open Records Decision No. 626 (1994) at 2 (notes created in course of promotion board's evaluation of applicants are subject to Open Records Act). The notes you submitted for review were prepared by individuals involved in the promotion process in their official capacities and relate solely to the official business of the city. Thus, they cannot be characterized as notes made solely for the personal use of the individuals who made them and must be considered public information subject to the Open Records Act.

The policymaking functions of an agency, however, do not encompass routine internal administrative and personnel matters. *Id.* Furthermore, section 552.111 does not except purely factual information from disclosure. *Id.*

The requested information, handwritten comments on score worksheets made by assessors of the police lieutenant assessment center, constitutes routine personnel matters. Accordingly, we uphold our ruling in Open Records Letter No. 94-521 (1994): section 552.111 of the Government Code does not except the requested information from required public disclosure.² As you have not submitted compelling reasons to overcome this ruling, such as confidentiality under another source of law, the city must release the requested information in its entirety.

Yours very truly,



Loretta R. DeHay
Assistant Attorney General
Open Government Section

LRD/LBC/rho

Enclosures: Submitted documents

Ref.: ID# 29027

cc: Mr. Kirby Word
Arlington Police Department
P.O. Box 1065
Arlington, Texas 76004-1065
(w/o enclosures)

²We understand that the city disagrees with the ruling in Open Records Decision No. 615 (1993). We decline, however, to reconsider that attorney general decision at this time.