



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

September 21, 1995

Ms. R. Yvette Clark  
General Counsel  
Stephen F. Austin State University  
P.O. Box 13065  
SFA Station  
Nacogdoches, Texas 75962-3065

OR95-968

Dear Ms. Clark:

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# 32565.

Stephen F. Austin State University (the "university") received a request for a copy of a memorandum from the Nacogdoches Fire Department addressed to the Safety Officer of the university dated November 20, 1994, addressing the university's fire alarm policy. You inform us that no such document exists with a November 20, 1994 date; however, your files contain a memorandum dated December 6, 1994, from the fire department to the university's safety officer addressing the issue raised by the requestor. Initially, you contend that the information requested should be denied because the requestor refers to a date for which there is no corresponding memorandum addressing the issue of the university's fire alarm response policy. Alternatively, you contend that the information contained in the December 6, 1994 memorandum addressing the fire alarm response policy should be excepted from disclosure as an interagency memorandum containing advice, opinion, or recommendation under section 552.111 of the Government Code.

A request for information may not be disregarded simply because the requestor does not specify the exact documents desired. In this instance, the requestor made a written request by which she specified the topic and type of document desired. The request provided enough information so that the university could identify the December 6, 1994 correspondence. We conclude that the requestor's reference to the incorrect date of the memorandum does not render the information requested excepted from disclosure.

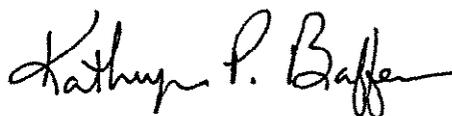
You have submitted a marked copy of the December 6, 1994 memorandum for our review. You inform us that the university has no objection to releasing the unmarked portions of the memorandum. You contend that the marked portions of the memorandum are exempt from disclosure because they are opinions, recommendations, or advice regarding the fire alarm policy between the City of Nacogdoches and the university.

Section 552.111 of the Government Code provides that an interagency or intra-agency memorandum or letter that would not be available by law to a party in litigation with the agency may be exempted from required public disclosure. 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 process. *Austin v. City of San Antonio*, 630 S.W.2d 391, 394 (Tex. App.--San Antonio 1982, writ ref'd n.r.e.). A governmental body's policymaking processes do not include routine internal administrative and personnel matters. Open Records Decision No. 615 (1993). They do include, however, administrative and personnel matters of broad scope that affect the governmental body's policy mission. Open Records Decision No. 631 (1995) at 3. Even when an internal memorandum relates to a governmental body's policy functions, section 552.111 excepts from disclosure only advice, recommendations, and opinions. Section 552.111 does not except from disclosure purely factual information that is severable from the advice or opinion portions of the memorandum. See Open Records Decision No. 615 (1993) at 4-5.

After reviewing the submitted document, we conclude that some of the information you marked may be withheld from disclosure pursuant to section 552.111 of the Government Code. You must release the remainder of the information to the requestor. We have marked the portions of the document that may be withheld pursuant to section 552.111.

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 may 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,



Kathryn P. Baffes  
Assistant Attorney General  
Open Records Division

KPB/LRD/rho

Ref.: ID# 32565

Enclosures: Marked documents

cc: Ms. Teri Ellis  
Reporter  
The Daily Sentinel  
P.O. Drawer 630068  
Nacogdoches, Texas 75963-0068  
(w/o enclosures)