



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 14, 1995

Mr. Larence Coleman
Director
Harris County Community Supervision
and Corrections Department
49 San Jacinto Street
Houston, Texas 77002

OR95-1232

Dear Mr. Coleman:

You ask whether certain information is subject to required public disclosure pursuant to chapter 552 of the Government Code. Your request was assigned ID# 34973.

The Harris County Community Supervision and Corrections Department (the "department") received an open records request for the department's fiscal director's resume, and documents detailing the work performed for the department by ASH HUQ & Associates ("ASH HUQ") including any reports prepared for the department. You inform us that some of the requested information has been released to the requestor. You contend that two documents are excepted in their entirety from required public disclosure pursuant to section 552.111 of the Government Code. You have submitted the two documents for our review.

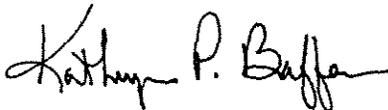
Section 552.111, commonly referred to as the agency memoranda exception, applies to memoranda prepared by consultants of a governmental body. Open Records Decision No. 462 (1987) at 14. The purpose of this section is to protect from public disclosure advice and opinions on policy matters and to encourage 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.). The scope of this exception applies only to communications consisting of advice, recommendations, or opinions reflecting the policymaking processes of the governmental body at issue. Open Records Decision No. 615 (1993) at 5. Section 552.111 does not except from disclosure factual information that is severable from the opinion portions of an internal communication. *Id.*

You inform us that ASH HUQ was hired to conduct accounting services for the department. Due to several barriers, it could not complete an audit for FY'93. You state that, as a result of ASH HUQ's review of the department's accounting practices, it provided the letter submitted for our review dated August 1, 1994, to the department. You contend that the letter provided by ASH HUQ and the other letter submitted for our review are based upon the drafters' opinions and that they provide only advice and recommendations to the department.

After reviewing the letters, we conclude that while some portions of the letters consist of advice, opinion, and recommendations, other portions convey factual information. We have marked the portions of the letters that consist of advice, opinion, and recommendation that may be withheld pursuant to section 552.111. The remaining portions of the letters must be released to the requestor.

We are resolving this matter with this 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/RHS/rho

Ref: ID# 34973

Enclosures: Marked documents

cc: Mr. Wayne Dolcefino
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(w/o enclosures)