



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 18, 1995

Ms. Joanne Wright
Associate General Counsel
Texas Department of Transportation
Dewitt C. Greer Highway Building
125 East 11th Street
Austin, Texas 78701-2483

OR95-1437

Dear Ms. Wright:

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# 37045.

The Texas Department of Transportation (the "department") received a request for a copy of a report of an investigation of a certain complaint. You assert that the report is excepted from required public disclosure pursuant to section 552.111 of the Government Code.

Section 552.111 of the Government Code excepts from required public disclosure:

An interagency or intraagency memorandum or letter that would not be available by law to a party in litigation with the agency.

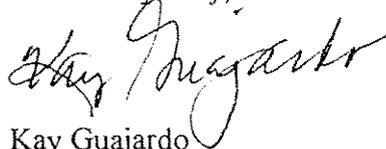
This exception applies to a governmental body's internal communications consisting of advice, recommendations, or opinions reflecting the policymaking process of the governmental body at issue. *See* Open Records Decision No. 615 (1993). A governmental body's policymaking function does not include internal personnel matters involving a particular individual. *Id.*

You say the "report is the subject of ongoing deliberations and has yet to be accepted by [department] decision makers. It is in the nature of advice, opinion, or recommendation that will be used by agency officials in the deliberative process in order to arrive at a decision on behalf of [the department]."

The report is about an investigation of complaints of discrimination and nondiscrimination by a department employee against her supervisor. It concerns an internal personnel matter involving a particular department employee. We do not believe this report pertains to the department's policymaking function. *See id.* Consequently, we conclude that the department may not withhold the report from required public disclosure pursuant to section 552.111 of the Government Code.

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 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay Guajardo
Assistant Attorney General
Open Records Division

KHG/ch

Ref.: ID# 37045

Enclosures: Submitted documents

cc: Ms. Angela J. Evans
(w/o enclosures)