



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 20, 1997

Ms. Susan Hunter Smith
Assistant Chief Counsel
Texas Education Agency
1701 North Congress Avenue
Austin, Texas 78701-1494

OR97-2328

Dear Ms. Smith:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 109479.

The Texas Education Agency (the "agency") received a request for correspondence to the agency from a named individual concerning certain individuals and entities. The agency seeks to withhold the requested information based on sections 552.101, 552.103, 552.107, 552.108, 552.110, 552.111, 552.116 and 552.117 of the Government Code. You enclose the information the agency seeks to withhold.

The Seventy-fifth Legislature amended section 552.116 of the Government Code to read as follows:

EXCEPTION: AUDIT WORKING PAPERS. An audit working paper or draft audit report of the state auditor or of another state agency or institution of higher education as defined by Section 61.003, Education Code, is excepted from the requirements of Section 552.021.

See Act of May 30, 1997, H.B. 2906, § 10, 75th Leg., R.S. (To be codified at Gov't Code § 552.116).

Additionally, the Seventy-fifth Legislature amended the definition contained within section 321.001 of the Government Code to include a definition of an audit working paper, which reads as follows:

(1) "Audit working paper" means all documentary and other information prepared or maintained in conducting an audit or

investigation, including all intra-agency and interagency communications relating to an audit or investigation and all draft reports or portions thereof.

See Act of May 30, 1997, H.B. 2906, § 2, 75th Leg., R.S. (to be codified at Gov't Code § 321.001). Accordingly, as you represent that the agency, through the School Financial Audits Division and the State Auditor's Office, is involved in an ongoing joint investigation concerning the requested information, we conclude that the document at issue is being maintained in conducting an audit or investigation and is excepted from disclosure under section 552.116 of the Government Code.¹

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

Yours very truly,



Janet F. Monteros
Assistant Attorney General
Open Records Division

JIM/alg

Ref: ID# 109479

Enclosure: Submitted document

cc: Mr. William J. Browning
Attorney at Law
504 Austin Avenue
Waco, Texas 76701
(w/o enclosures)

¹As we address the instant document under section 552.116 of the Government Code, we need not address the other exceptions raised.