



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

February 9, 1998

Ms. Kathryn Reed
General Counsel
Texas Animal Health Commission
P.O. Box 12966
Austin, Texas 78711-2966

OR98-0392

Dear Ms. Reed:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 112609.

The Texas Animal Health Commission (the "commission") received a request for the following: (1) postings for the position of Information Resources Director in fiscal 1997-98, (2) list of applicants for the position, (3) hiring committee agendas and minutes regarding the position, (4) internal correspondence concerning this position, and (5) a copy of the agency's reduction in force policy. You indicate that most of the requested information has or will be provided to the requestor. However, you assert that some of the records are *communications by and to the commission's General Counsel that are protected from disclosure pursuant to section 552.107(1) of the Government Code*. You also assert that section 552.111 protects from disclosure preliminary draft documents of the job description.

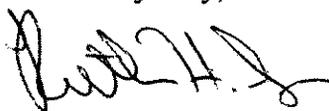
Section 552.107(1) excepts from disclosure communications that reveal client confidences or the attorney's legal opinion or advice. Open Records Decision Nos. 589 (1991) at 1, 574 (1990) at 3, 462 (1987) at 9-11. Our review of the records submitted to this office shows that the communications by and to the commission's general counsel contain client confidences and attorney advice and opinion that can be withheld from disclosure pursuant to section 552.107(1).

Section 552.111 excepts from disclosure inter-agency or intra-agency communications consisting of advice, recommendations, opinions, and other material reflecting the deliberative or policymaking processes of the governmental body. *See Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408 (Tex. App.--Austin 1992, no writ); Open Records Decision No. 615 (1993) at 5. Section 552.111 excepts from required public disclosure preliminary drafts of documents if those documents are related to policymaking matters, since drafts represent the advice, opinion, and recommendation of the

drafter as to the form and content of the final documents. *See* Open Records Decision No. 559 (1990). However, a governmental body's policymaking functions do not encompass routine personnel matters. *Id.* Since the preliminary draft documents of the job description concern a personnel issue, they are not protected from disclosure.

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 questions about this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref.: ID# 112609

Enclosures: Submitted documents

cc: Mr. Bill Lawler
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Austin, Texas 78731
(w/o enclosures)