



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 24, 1998

Ms. Tracy L. Petrie
City Clerk
City of Bellaire
7008 South Rice Avenue
Bellaire, Texas 77401-4495

OR98-1748

Dear Ms. Petrie:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 116924.

The City of Bellaire (the "city") received a request for a copy of the documents provided to the City Council during a goal setting workshop. You contend that a portion of one of the requested documents is excepted from disclosure under section 552.111 of the Government Code.¹ We have considered the exception you claim and have reviewed the document at issue.

Section 552.111 excepts "an interagency or intraagency memorandum or letter that would not be available by law to a party in litigation with the agency." In Open Records Decision No. 615 (1993), this office reexamined the predecessor to the section 552.111 exception in light of the decision in *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408 (Tex. App.--Austin 1992, no writ), and held that section 552.111 excepts only those internal communications consisting of advice, recommendations, opinions, and other material reflecting the policymaking processes of the governmental body. An agency's policymaking functions, however, do not encompass internal administrative or personnel matters; disclosure of information relating to such matters will not inhibit free discussion among agency personnel as to policy issues. Open Records Decision No. 615 (1993) at 5-6. In addition, section 552.111 does not except from disclosure purely factual information that is severable from the opinion portions of internal memoranda. *Id.* at 4-5.

¹We assume that you have released all other responsive documents, if such documents exist, to the requestor.

The document at issue is an intraagency communication. We find that the marked portion of the document consists of advice, opinion, and recommendation relating to the policymaking functions of the city. Thus, the city may withhold the marked portion of the document from disclosure pursuant to section 552.111 of the Government Code.

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,



Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/mjc

Ref: ID# 116924

Enclosure: Submitted document

cc: Ms. Lynn McBee
5314 Evergreen Street
Bellaire, Texas 77401
(w/o enclosure)