



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 30, 1998

Ms. Joey Longley
Sunset Advisory Commission
P.O. Box 13066
Austin, Texas 78711-3066

OR98-3291

Dear Ms. Longley:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 121143.

The Sunset Advisory Commission (the "commission") received a request for information related to the report on the Children's Trust Fund produced by the commission in 1998. You seek to withhold information responsive to the request under sections 552.106, 552.111, and 552.116 of the Government Code. You have submitted representative samples of information held by the commission that is responsive to the request.¹

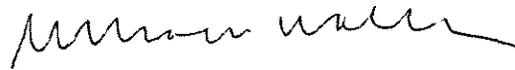
The commission operates under chapter 325 of the Government Code. One of its principal duties is the production of reports to the legislature on state entities scheduled for abolition. *See* Gov't Code §§ 325.008 *et seq.* Section 552.116 of the Government Code exempts from required disclosure "[a]n 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." We note that the House Bill most recently amending section 552.116 includes a definition of the term "audit working paper" as "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

¹In reaching our conclusion, we assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision No. 499 (1988), 497 (1988) (where requested documents are numerous and repetitive, governmental body should submit representative sample; but if each record contains substantially different information, all must be submitted). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

draft reports or portions thereof.” Acts 1997, 75th leg., ch. 1122, §2; Gov’t Code § 321.001. We have examined the submitted information and conclude that it consists of audit working papers within the ambit of section 552.116. Accordingly, you may withhold the submitted information under that provision. Since we have resolved this request under section 552.116, we need not address your other claimed exceptions to disclosure.²

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,



William Walker
Assistant Attorney General
Open Records Division

WMW/ch

Ref: ID# 121143

Enclosures: Submitted documents

cc: Mr. Randy Burton
Justice of Children
412 Main Street, Suite 400
Houston, Texas 77002-1814
(w/o enclosures)

²We note that the commission’s final report on the Children’s Trust Fund is a public record. See Gov’t Code §§ 325.008(b), 552.022 (1).