



April 8, 1999

Mr. Jesús Toscano, Jr.
Administrative Assistant City Attorney
City of Dallas
2014 Main, Room 206
Dallas, Texas 75201

OR99-0942

Dear Mr. Toscano:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 123795.

The City of Dallas received a request for “[a] memorandum dated Feb. 24, 1998, to Chief Dodd Miller detailing concerns about the status of the Aircraft Rescue and Fire Fighting program for the City of Dallas.” You seek to withhold the requested information under section 552.111 of the Government Code.

Section 552.111 excepts interagency and intra-agency memoranda and letters, but only to the extent that they contain advice, opinion, or recommendation intended for use in the entity’s policymaking process. Open Records Decision No. 615 (1993). The purpose of this section is “to protect from public disclosure advice and opinions *on policy matters* and to encourage frank and open discussion within the agency in connection with its decision-making processes.” *Austin v. City of San Antonio*, 630 S.W.2d 391, 394 (Tex. App.--San Antonio 1982, writ ref’d n.r.e.) (emphasis added). In Open Records Decision No. 5 at 615, this office held that

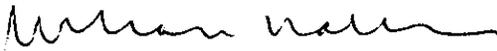
to come within the [section 552.111] exception, information must be related to the *policymaking* functions of the governmental body. An agency’s policymaking functions do not encompass routine internal administrative and personnel matters . . . [Emphasis in original.]

Section 552.111 does not protect facts and written observation of facts and events that are severable from advice, opinions, and recommendation. Open Records Decision No. 615. If, however, the factual information is so inextricably intertwined with material involving advice, opinion, or recommendation as to make separation of the factual data impractical, that information may be withheld. Open Records Decision No. 313 (1982).

We have reviewed your arguments and the information at issue and conclude that much of the information at issue may be withheld under section 552.111. We have marked those portions of the submitted information which we do not believe fall under the protection of section 552.111 and must consequently be released.

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.

Sincerely,



William Walker
Assistant Attorney General
Open Records Division

WMW\leaf

Ref.: ID#123795

Encl: Marked documents

cc: Ms. J. Lynn Lunsford
The Dallas Morning News
P.O. Box 655237
Dallas, Texas 75265
(w/o enclosures)