



June 7, 1999

Ms. Stacy Tuer Castillo
Walsh, Anderson Brown, Schulze & Aldridge
70 N.E. Loop 410, Suite 800
San Antonio, Texas 78216

OR99-1579

Dear Ms. Castillo:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 124836.

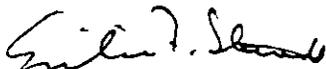
The Northside Independent School District (the "district") received a request for eighteen separate items of information related to the rate of pay of the district's attendance officers. You state that the requestor withdrew his request for one item, and there are no documents responsive to two other items. You state that the requestor added later an item to his request. You state that you have released the information responsive to thirteen of the items requested. Initially, you claimed that the remaining information at issue is excepted from disclosure under sections 552.026, 552.101, 112.111, 552.114, 552.117, and 552.305 of the Government Code. In your brief, you only assert section 552.111 of the Government Code excepts the information at issue from disclosure. The information at issue and submitted by you to this office is bates labeled 000001- 000611 and consists of a job audit summary (a covering page contains handwritten notes), information from the Texas Association of School Boards ("TASB") entitled, Employee Pay Systems, Northside ISD, September 1997 (a covering page contains handwritten notes), TASB Study Overview on Schedule A, B, & C (a covering page contains handwritten notes), three sets of Salary Study and Compensation Plan for Administrative/Professional Personnel, Northside ISD, working materials dated respectively, March 4, 1998, March 24, 1998, and February 20, 1988, completed job analysis questionnaires bates labeled 000345 through 000602, and handwritten interview notes by Dr. Elena Luderus regarding salary classifications. We have considered the exception you claim under section 552.111¹ and reviewed the submitted information.

¹We do not address the other exceptions you raised initially because you did not explain why they apply. The governmental body must "submit to the attorney general written comments stating the reasons why the stated exceptions apply that would allow the information to be withheld." Gov't. Code § 552.301(b).

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 at 5-6 (1993). 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. Some of the information contained in these documents is purely factual, such as the amounts of salaries. The remainder of the information for which you seek section 552.111 protection relates to an internal administrative and personnel matter, that is, an evaluation of employee salaries. Accordingly, we conclude that section 552.111 does not except this information from required public disclosure. The district must release the information at issue in its entirety.

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,



Emilie F. Stewart
Assistant Attorney General
Open Records Division

EFS\nc

Ref: ID# 124836

Encl: Submitted documents

Failure to explain the application of the exceptions to the requested information creates a presumption that the requested information is public. Gov't Code § 552.302.

cc: Mr. Tony Conners
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2525 Wallingwood Drive, Building 14
Austin, Texas 78746
(w/o enclosures)