



July 27, 1999

Mr. Jay Garrett
City Attorney
City of Greenville
P.O. Box 1049
Greenville, Texas 75403-1949

OR99-2120

Dear Mr. Garrett:

You have asked whether certain information is subject to required public disclosure under the Public Information Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 126719.

The City of Greenville (the "city") received several open records requests for a copy of the outside consultant's management study of the Greenville Police Department. In response to the request, you submit to this office for review the information at issue. You claim that the submitted document, titled "A Management Study of the Greenville Police Department," is excepted from required public disclosure pursuant to section 552.111 of the Government Code.¹ We have considered the exception and arguments you raise, and have reviewed the information submitted.

Section 552.111 excepts from disclosure interagency or intra-agency communications consisting of advice, recommendations, opinions, and other material reflecting the deliberative or policymaking processes of the governmental body. *See Texas Dep't of Public Safety v. Gilbreath*, 842 S.W.2d 408 (Tex. App.--Austin 1992, no writ); Open Records Decision No. 615 at 5 (1993). This exception applies not only to a governmental body's

¹Section 552.301(b) of the Government Code reads in pertinent part

(b) A governmental body that requests an attorney general decision under Subsection (a) must within a reasonable time but not later than the 15th business day after the date of receiving the written request:

(4) label that copy of the specific information, or of the representative samples, to indicate which exceptions apply to which parts of the copy.

Based on the record at issue and the claimed exception, we advise you, in the future, to review the information and pursuant to section 552.301(b) specifically label the information or sections for which you claim the section 552.111 exception.

internal memoranda, but also to memoranda prepared for a governmental body by its outside consultant. Open Records Decision Nos. 462 at 14 (1987), 298 at 2 (1981); *see also* Open Records Decision No. 631 (1995). 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). 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). Furthermore, section 552.111 does not protect facts and written observation of facts and events that are severable from advice, opinions, and recommendation. *Id.* at 4-5.

The submitted “Management Study” outlines the organization, management, and strategies used by the city police department, as well as background facts and comparisons between the Greenville Police Department and other police departments. In Open Records Decision No. 631 (1995), this office concluded that the policymaking functions of a governmental body include an outside consultant’s advice, recommendations, and opinions regarding administrative and personnel matters of *broad scope* that affect the governmental body’s policy mission. Based on our review of the information, we agree that a portion of the “Management Study,” which we have marked or tagged, contains advice, recommendations, and opinions relating to the policymaking process of the city police department. Specifically, we agree that the marked portions of the “Executive Summary,” as well as Appendices A and B and the “Recommendation” sections from each of the chapters within the “Management Study” may be withheld under section 552.111. We have also marked or tagged additional information which may be withheld from required disclosure pursuant to section 552.111. The remaining information should 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,

A handwritten signature in cursive script that reads "Sam Haddad". The signature is written in black ink and is positioned above the typed name.

Sam Haddad

Assistant Attorney General
Open Records Division

SH/nc

Ref.: ID# 126719

encl: Submitted information

cc: Mr. Brad Keller
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