OFFICE OF THE ATTORNEY GENERAL · STATE OF TEXAS
JOHN CORNYN

November 17, 1999

Ms. Raenell Silcox
Attorney
Resource Protection Division
Texas Parks and Wildlife
4200 Smith School Road
Austin, Texas 78744-3291

OR99-3298

Dear Ms.Silcox:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 129469.

Texas Department of Parks and Wildlife (the "department") received a request from Texas PEER for information "pertaining to fish kills and lesioned fish from East Texas lakes and streams." You have submitted one document for our review. We assume all other responsive information has been released. You contend that the submitted information is excepted from disclosure under section 552.111 of the Government Code.[1]

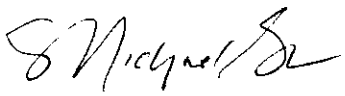
Section 552.111 of the Government Code excepts from required public disclosure interagency and intra-agency memoranda and letters, but only to the extent that they contain advice, opinion, or recommendation intended for use in the entity's policymaking process. Open Records Decision No. 615 at 5 (1993). 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). An agency's policymaking functions do not encompass internal administrative or personnel matters, as disclosure of information relating to such matters will not inhibit free discussion among agency personnel as to policy issues Open Records

[1]You also raised section 552.107 of the Government Code, but as you have provided no information which you contend is excepted by this provision, it shall not be considered.

Decision No. 615 at 5-6 (1993). We have marked that portion of the document which we conclude is excepted under section 552.111. That information may be withheld. The balance of the responsive information must 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,



Michael J. Burns
Assistant Attorney General
Open Records Division

MJB/ch

Ref: ID#129469

Encl. Marked document

cc: Mr. Dean P. Keddy-Hector
Staff Scientist
Texas PEER
P.O. Box 684753
Austin, Texas 78768-4753
(w/o enclosures)