



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

January 30, 2009

Ms. Zindia Thomas
Assistant Attorney General
Public Information Coordinator
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548

OR2009-01256

Dear Ms. Thomas:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code, the Public Information Act (the "Act"). Your request was assigned ID# 333676 (PIR No. 08-23703).

The Office of the Attorney General (the "OAG") received a request for "the text of Mr. Abbott's proposal to the Texas Legislature regarding the Texas Mortgage Foreclosure Deferment Act." The OAG asserts the submitted information is excepted from disclosure under section 552.106 of the Government Code. We have considered your claimed exception to disclosure and have reviewed the submitted sample of information.¹ We have also received and considered comments from the requestor. *See* Gov't Code § 552.304 (allowing interested party to submit comments indicating why requested information should or should not be released).

Section 552.106(a) of the Government Code excepts from disclosure "[a] draft or working paper involved in the preparation of proposed legislation." Section 552.106 ordinarily

¹We 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 Nos. 499 (1988), 497 (1988). 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.

applies only to persons with a responsibility to prepare information and proposals for a legislative body. Open Records Decision No. 460 (1987). This office has also construed the term "legislation" to include certain documents created by a city or a state agency. *See id.*; Open Records Decision Nos. 367 (1983), 248 (1980). The purpose of section 552.106 is to encourage frank discussion on policy matters related to proposed legislation, and therefore, it does not except from disclosure purely factual information. ORD 460 at 2. You state that the submitted information is a draft of proposed legislation concerning mortgage foreclosure deferments. You further state that the submitted information reflects the recommendations of OAG staff pertaining to the proposed legislation. Based on your assertions and our review of the submitted information, we agree that the submitted information may be withheld from disclosure under section 552.106 of the Government Code.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,



Karen Hattaway
Assistant Attorney General
Open Records Division

KEH/sdk

Ref: ID# 333676

Enc: Submitted documents

c: Requestor
(w/o enclosures)