



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

June 2, 2009

Mr. Bryan Hebert  
Deputy General Counsel  
Office of the Lieutenant Governor  
The Capitol  
Austin, Texas 78711-2068

OR2009-07514

Dear Mr. Hebert:

You ask 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# 345886.

The Office of the Lieutenant Governor (the "lieutenant governor") received a request for: (1) all internal documents produced after November 1, 2008, by the lieutenant governor or his staff regarding voter identification or the Texas Voter ID legislation (HB 3948 and SB 362); (2) all correspondence regarding the same issue or legislation between the lieutenant governor and ten specified persons and entities and their staffs; (3) the schedule of all public and private meetings held by the lieutenant governor regarding the same issue or legislation; (4) all documents regarding the use of state funds in relation to research, briefing, and deliberation concerning the same issue or legislation; and (5) any documents created after October 1, 2008, that mention the Texas Democratic Party. You claim that the submitted information is excepted from disclosure under sections 552.101, 552.106, 552.107, and 552.111 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Initially, we note that you have not submitted any information responsive to items (3), (4), or (5) of the request. Therefore, to the extent that the lieutenant governor maintained any documents responsive to these items on the date the lieutenant governor received the present request, the lieutenant governor must release such information to the requestor. *See* Gov't Code § 552.301(a), .302; *see also* Open Records Decision No. 664 (2000) (if governmental body concludes no exceptions apply, it must release information as soon as possible).

Section 552.106 of the Government Code excepts from disclosure "[a] draft or working paper involved in the preparation of proposed legislation[.]" Gov't Code § 552.106(a). The purpose of section 552.106 is to encourage frank discussion on policy matters between the

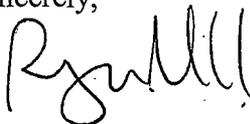
subordinates or advisors of a legislative body and the members of the legislative body. *See* Open Records Decision No. 460 at 3 (1987). Therefore, section 552.106 is applicable only to the policy judgments, recommendations, and proposals of persons who are involved in the preparation of proposed legislation and who have an official responsibility to provide such information to members of the legislative body. *See id.* at 1. Section 552.106 does not protect purely factual information from public disclosure. *See* ORD 460 at 2; *see also* Open Records Decision No. 344 at 3-4 (1982) (for purposes of statutory predecessor, factual information prepared by State Property Tax Board did not reflect policy judgments, recommendations, or proposals concerning drafting of legislation). However, a comparison or analysis of factual information prepared to support proposed legislation is within the scope of section 552.106. *See* ORD 460 at 2.

You state that the information at issue consists of draft legislation and working papers involved in the preparation of proposed legislation. You further state that each of the documents at issue was prepared by a person with official responsibility to prepare information and proposals for the Texas legislature. Based on your representations and our review of the information at issue, we conclude that the lieutenant governor may withhold the information we have marked under section 552.106 of the Government Code.<sup>1</sup> The lieutenant governor must release the remainder of the submitted information.

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](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,



Ryan T. Mitchell  
Assistant Attorney General  
Open Records Division

RTM/cc

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<sup>1</sup>As this ruling is dispositive, we need not address your remaining arguments against disclosure of this portion of the submitted information.

Ref: ID# 345886

Enc. Submitted documents

cc: Requestor  
(w/o enclosures)