



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

March 20, 2014

Mr. Ross Giesinger  
Legislative Counsel  
Texas Legislative Council  
Capitol Station  
P.O. Box 12128  
Austin, Texas 78711-2128

OR2014-04722

Dear Mr. Giesinger:

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# 518575.

The office of Representative Dan Branch (the "representative's office") received a request for e-mails, including attachments, sent or received by Representative Dan Branch during a specified period related to five categories of information pertaining to higher education. You state the representative's office will release some of the information. You also state the representative's office will redact certain e-mail addresses.<sup>1</sup> You claim the submitted information is excepted from disclosure under sections 552.106 and 552.111 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

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). Section 552.106(a) ordinarily applies only to persons with a responsibility to prepare information and proposals for a legislative body. *See* Open Records Decision No. 460 at 1 (1987). The purpose of this exception is to encourage frank discussion on policy matters

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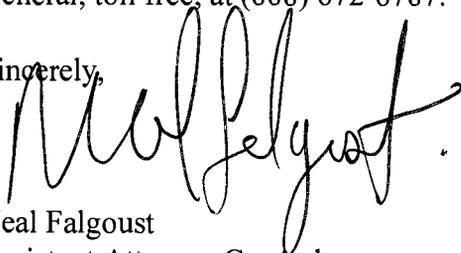
<sup>1</sup>Open Records Decision No. 684 (2009) authorizes a governmental body to withhold several categories of information, including an e-mail address of a member of the public under section 552.137 of the Government Code, without requesting a decision from this office.

between the subordinates or advisors of a legislative body and the members of the legislative body; therefore, section 552.106 encompasses only policy judgments, recommendations, and proposals of those involved in the preparation of proposed legislation and does not except purely factual information from public disclosure. *Id.* at 2. You state the information at issue consists of exchanges between members of the representative's office and the staff of the House Committee on Higher Education, of which the representative is chairman. You argue the marked information consists of advice, opinion, and recommendations pertaining to policy proposals related to higher education. Upon review, we conclude the representative's office may withhold the marked information under section 552.106 of the Government Code.<sup>2</sup> As you raise no exceptions for the remaining information, the representative's office must release it.

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.texasattorneygeneral.gov/open/orl\\_ruling\\_info.shtml](http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml), 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Neal Falgoust  
Assistant Attorney General  
Open Records Division

NF/som

Ref: ID# 518575

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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<sup>2</sup>This ruling is dispositive of your arguments under section 552.111 of the Government Code.