



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

June 26, 2015

Mr. Chris Kirby
Chief of Staff
State of Texas House of Representatives
House of Representatives District 57
P.O. Box 2910
Austin, Texas 78768-2910

OR2015-12744

Dear Mr. Kirby:

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# 573178.

The Office of State Representative Trent Ashby (the "representative's office") received three requests from the same requestor for information pertaining to HB 40 and other specified topics.¹ The representative's office states it does not have some of the requested information.² The representative's office also states it has released some of the requested information, but claims some of the submitted information is excepted from disclosure under sections 552.106 and 552.111 of the Government Code. We have considered the claimed exceptions and reviewed the submitted information.

Section 552.106(a) of the Government Code excepts from required public 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

¹The requestor clarified one of his requests. *See* Gov't Code § 552.222 (if request for information is unclear, governmental body may ask requestor to clarify request); *see also* *City of Dallas v. Abbott*, 304 S.W.3d 380, 387 (Tex. 2010) (if governmental entity, acting in good faith, requests clarification of unclear or over-broad request, ten-day period to request attorney general ruling is measured from date request is clarified).

²The Act does not require a governmental body to disclose information that did not exist when the request for information was received.

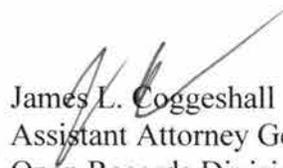
No. 460 at 1 (1987). The purpose of this exception is to encourage frank discussion on policy matters between the subordinates or advisors of a legislative body and the members of the legislative body. Therefore, section 552.106 encompasses only policy judgments, recommendations, and proposals involved in the preparation of proposed legislation and does not except purely factual information from public disclosure. *Id.* at 2. However, a comparison or analysis of factual information prepared to support proposed legislation is within the ambit of section 552.106. *Id.*

You inform us the information you have marked consists of the following: (1) weekly updates of the Texas House Republican Caucus (the "caucus") containing discussions of legislative issues from a caucus perspective that were communicated to caucus members; (2) a bill analysis prepared for the caucus by its members; and (3) an e-mail between legislative staffers concerning legislative strategy. You assert this information consists of policy judgments, recommendations, and proposals of persons who are involved in the preparation of proposed legislation. You also state the documents have not been made public and all parties to them have a privity of interest. Upon review, we find the information at issue constitutes advice, opinion, analysis, and recommendation regarding proposed legislation. Therefore, the representative's office may withhold the information you have marked under section 552.106 of the Government Code.³ The representative's office must release the remaining 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.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,


James L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/cbz

³As our ruling is dispositive, we do not address your other argument to withhold this information.

Ref: ID# 573178

Enc. Submitted documents

c: Requestor
(w/o enclosures)