

RD-397

Texas Department of Human Services

IO# 15463
Jh- Gov

INTERIM COMMISSIONER

Burton F. Raiford

March 27, 1992

The Honorable Dan Morales
Attorney General of Texas
P.O. Box 12548
Austin, Texas 78711

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Opinion Committee

Attention: Opinions Committee, Open Government Section

Dear General Morales:

RE: Request for Information, Judy E. Blackwell

On March 19, 1992, the Texas Department of Human Services received the enclosed request for information concerning the selection of an individual to fill a particular job posting. A copy of the information requested is enclosed. The department believes that certain parts of the information are excepted from public release by Sec.3(a)(11) of the Open Records Act. This information is noted by yellow tabs. In a letter opinion dated March 1, 1988, the Attorney General ruled that certain parts of the department's annual performance evaluation (Form 4040) are excepted from release by Sec.3(a)(11). The department believes that the guidelines for release set out in the March 1, 1988, letter apply to the annual evaluations noted in the enclosed documents. In a May 16, 1988, letter opinion the Attorney General ruled that certain parts of a Form 4035 containing opinions and evaluations on 13 finalists for a particular job posting were protected from public disclosure by Sec.3(a)(11). The information in the enclosed material is not on a Form 4035, however, it is the same kind of opinion and evaluation as was ruled upon in the May 16, 1988, letter opinion. This information played a role in the decision-making process and release of the information would impair the department's ability to obtain frank evaluations in the future. Open Records Decision No. 538 also supports the exception for this information.

I request an open records decision that the information marked by the Department is excepted from public release by Sec.3(a)(11) of the Open Records Act.

Sincerely,

Burton F. Raiford
Burton F. Raiford

ACCUMULATED ENCLOSURES -
FILED SEPARATELY

BFR:jbm

c: Judy E. Blackwell