



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

May 16, 2019

Mr. W. Montgomery Meitler
Senior Counsel
Texas Education Agency
1701 North Congress Avenue
Austin, Texas 78701-1494

OR2019-13135

Dear Mr. Meitler:

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# 765696 (PIR Nos. 37176, 37217, 37287, 37288).

The Texas Education Agency (the "TEA") received four requests from different requestors for specified information pertaining to a specified piece of legislation. You state you will release some of the requested information. You claim some of the submitted information is excepted from disclosure under section 552.106 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.106(a) of the Government Code protects a "draft or working paper involved in the preparation of proposed legislation[.]" Gov't Code § 552.106. Section 552.106 ordinarily applies only to persons with a responsibility to prepare information and proposals for a legislative body. *See* Open Records Decision No. 460 (1987). 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, and therefore, section 552.106 does not except from disclosure purely factual information. *See id.* at 2. However, a comparison or analysis of factual information prepared to support proposed legislation is within the ambit of section 552.106. *See id.* A proposed budget constitutes a recommendation by its very nature and may be withheld under section 552.106. *See id.*; *see also Hooten v. Enriquez*, 863 S.W. 2d 522 (Tex. App.—El Paso 1993, no writ) (commissioner's court performs legislative function when it creates the budget for county's offices and departments).

You state the information you seek to withhold under section 552.106(a) consists of information created by the TEA pertaining to proposed legislation. You explain TEA employees analyzed proposed legislation and provided advice, recommendations, and opinions in the preparation of the proposed legislation. Upon review, we find the TEA has demonstrated the information at issue constitutes policy judgments, recommendations, and proposals regarding proposed legislation related to the TEA. Accordingly, the TEA may withhold the submitted information 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.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,



Ashley Crutchfield
Assistant Attorney General
Open Records Division

AC/jxd

Ref: ID# 765696

Enc. Submitted documents

c: 4 Requestors
(w/o enclosures)