



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

July 10, 2019

Ms. Madelyn Fletcher  
Capitol Director  
State Representative Tan Parker  
P.O. Box 2910  
Austin, Texas 78768-2910

OR2019-18693

Dear Ms. Fletcher:

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# 774402.

The Office of State Representative Tan Parker (the "representative's office") received a request for all records pertaining to a specified bill passed during the 85th Legislature. You state the representative's office has released some information to the requestor. You also state the representative's office has withheld certain information pursuant to sections 306.003 and 306.004 of the Government Code.<sup>1</sup> You claim some of 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(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. 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, it does not except from disclosure purely factual information. *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.* We note sections 552.111 and 552.106 are similar in that they both

---

<sup>1</sup>Release of information subject to section 306.003(a) or 306.004(a) of the Government Code is governed by chapter 306, not the Act, and it is within the discretion of a legislator to either withhold or release such information. See Gov't Code §§ 306.003(a), .004(a); see also Open Records Decision No. 648 at 3-7 (1996).

protect advice, opinion, and recommendation on policy matters in order to encourage frank discussion during the policymaking process. *Id.* at 3 (1987). However, section 552.106 is narrower than section 552.111 in that it applies specifically to the legislative process. *Id.*

You assert the information you marked consists of communications among legislators, legislative staff of the representative's office, and a third party who shares a privity of interest with the representative's office. You state the communications at issue relate to policy advice and recommendations regarding specific proposed legislation during the 85th Texas Legislature. Upon review, we find you have demonstrated the submitted information constitutes policy judgments, recommendations, and proposals regarding proposed or filed legislation. Accordingly, the representative's office may withhold the information you marked under section 552.106 of the Government Code.<sup>2</sup> 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](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,



Kieran Hillis  
Assistant Attorney General  
Open Records Division

KH/gw

Ref: ID# 774402

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

---

<sup>2</sup>As our ruling is dispositive, we need not address your remaining argument against disclosure of this information.