



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

July 13, 2015

Ms. Sandra Kim
Assistant City Attorney
Law Department
City of Austin
P.O. Box 1088
Austin, Texas 78767-8828

OR2015-14160

Dear Ms. Kim:

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# 571147 (ORR# 04-08265).

The City of Austin (the "city") received a request for a copy of all e-mail software settings pertaining to the automatic routing or forwarding of communications from the requestor to four named employees and officials of the city. You claim the submitted information is not subject to the Act. We have considered your argument and reviewed the submitted information.

Initially, we note some of the submitted information, which we have marked, is not responsive to the instant request because it does not consist of the requested e-mail software settings. This ruling does not address the public availability of any information that is not responsive to the request and the city is not required to release such information in response to this request.

You argue the responsive information is not subject to the Act. The Act is applicable to "public information." *See* Gov't Code § 552.021. Section 552.002(a) defines "public information" as:

[I]nformation that is written, produced, collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business:

(1) by a governmental body;

(2) for a governmental body and the governmental body:

(A) owns the information;

(B) has a right of access to the information; or

(C) spends or contributes public money for the purpose of writing, producing, collecting, assembling, or maintaining the information; or

(3) by an individual officer or employee of a governmental body in the officer's or employee's official capacity and the information pertains to official business of the governmental body.

Id. § 552.002(a). Information is “in connection with the transaction of official business” if it is “created by, transmitted to, received by, or maintained by an officer or employee of the governmental body in the officer's or employee's official capacity, or a person or entity performing official business or a government function on behalf of a governmental body, and pertains to official business of the governmental body.” *Id.* § 552.002(a-1). Thus, virtually all of the information in a governmental body's physical possession constitutes public information and is subject to the Act. *See* Open Records Decision Nos. 549 at 4 (1990), 514 at 1-2 (1988).

You argue the responsive information has no significance other than its use as a tool for the maintenance, manipulation, or protection of public property. Open Records Decision No. 581 (1990) (certain computer information that has no significance other than its use as tool for maintenance, manipulation, or protection of public property is not “public information” subject to Act). Upon review, however, we find the information at issue does have public significance other than its use as a tool for the maintenance, manipulation, or protection of public property. Therefore, we conclude the responsive information is subject to the Act and the city must release it unless the city demonstrates the information falls within an exception to public disclosure under the Act. *See* Gov't Code §§ 552.006, .021, .301, .302. As you raise no exceptions to disclosure of the responsive information, the city 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, 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,

A handwritten signature in black ink, appearing to read "Kenny Moreland". The signature is fluid and cursive, with the first name "Kenny" and last name "Moreland" clearly distinguishable.

Kenny Moreland
Assistant Attorney General
Open Records Division

KJM/som

Ref: ID# 571147

Enc. Submitted documents

c: Requestor
(w/o enclosures)