



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

August 10, 2016

Ms. Mallory J. Craig
Counsel for the Oakmont Public Utility District
Coats Rose, P.C.
9 Greenway Plaza, Suite 1100
Houston, Texas 77046

OR2016-18050

Dear Ms. Craig:

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# 622334.

The Oakmont Public Utility District (the "district"), which you represent, received a request for all information conducted via personal e-mail accounts belonging to district board members, including four named individuals, during a specified time period. You state you have released some information to the requestor. You claim some of the submitted information is not subject to the Act. We have considered the submitted arguments and reviewed the submitted information.

You assert the marked passwords are not subject to the Act. The Act is applicable only to "public information." Gov't Code §§ 552.002, .021. Section 552.002(a) defines "public information" as:

information 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). In Open Records Decision No. 581 (1990), this office determined that certain computer information, such as source codes, documentation information, and other computer programming, that has no significance other than its use as a tool for the maintenance, manipulation, or protection of public property is not the kind of information made public under section 552.021 of the Government Code. You assert the information you have marked has no significance other than its use as tools for the maintenance, manipulation, or protection of public information. Based on your representation and our review, we find the information you have marked does not constitute public information under section 552.002 of the Government Code. Therefore, we conclude this information is not subject to the Act and need not be released to the requestor. As no exceptions to disclosure have been raised for the remaining information, it must be released.

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 that reads "Cole Hutchison". The signature is written in a cursive, flowing style.

Cole Hutchison
Assistant Attorney General
Open Records Division

CH/bhf

Ref: ID# 622334

Enc. Submitted documents

c: Requestor
(w/o enclosures)