



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

January 17, 2018

Mr. Victor A. Flores
Deputy City Attorney
City of Denton
215 East McKinney Street
Denton, Texas 76201

OR2018-01006

Dear Mr. Flores:

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# 689877.

The City of Denton (the "city") received a request for e-mail headers from specified e-mails. You claim the submitted information is not subject to the Act. Alternatively, you claim the submitted information is excepted from disclosure under sections 552.101 and 552.139 of the Government Code. We also received comments submitted by the requestor. *See* Gov't Code § 552.304 (providing that interested party may submit written comments regarding why information should or should not be released). We have considered the submitted arguments and have reviewed the submitted information.

The city claims the requested e-mail headers are not subject to the Act. The Act applies only to "public information." *See id.* § 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;

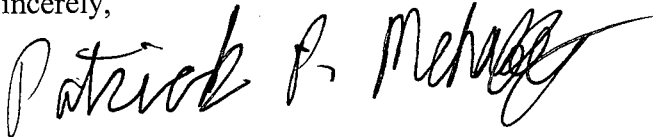
(B) has a right of access to the information; or

(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). In Open Records Decision No. 581 (1990), this office determined 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 inform us the requested e-mail headers do not exist as documents maintained by the city but instead "must be extracted from the coding of the e-mail" as they are embedded information inherent to the operation of the city's internet server. Based on your representation and our review, we agree the requested e-mail headers do not constitute public information for the purposes of section 552.002. Thus, the requested e-mail headers are not subject to the Act, and the city is not required to release them in response to the request for information.

Sincerely,



Patrick P. Mehaffy
Attorney
Open Records Division

PPM/som

Ref: ID# 689877

c: Requestor