



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

January 6, 2022

Ms. Clara H. Saafir
Assistant District Attorney
Dallas County District Attorney's Office
Administration Building
411 Elm Street, 5th Floor
Dallas, Texas 75202-3317

OR2022-00463

Dear Ms. Saafir:

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# 923656 (Ref. No. D002436-100521).

The Dallas County District Attorney's Office (the "district attorney's office") received a request for e-mails sent by certain individuals pertaining to a specified topic. Although the district attorney's office takes no position as to the disclosure of the submitted information, you state that release of this information may implicate the interests of the Office of the Texas Secretary of State (the "secretary's office"). Accordingly, you state you have notified the secretary's office of the request and of the opportunity to submit comments to this office as to why the information should not be released to the requestor. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released). We have received comments from the secretary's office. We have considered the submitted arguments and reviewed the submitted information.

The secretary's office asserts some of the submitted information is not subject to the Act. Section 552.002(a) of the Government Code 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 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. Further, the secretary's offices indicates the file names, links, usernames, and passwords have no significance other than their use as tools for the maintenance, manipulation, or protection of public information. Based on these representations and our review, we find this information does not constitute public information under section 552.002 of the Government Code. Therefore, we conclude the information we have marked is not subject to the Act and need not be released to the requestor.¹ As no further arguments against disclosure have been made, the district attorney'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 <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,

Meredith L. Coffman
Assistant Attorney General
Open Records Division

MLC/be

¹ As we are able to make this determination, we need not address the remaining arguments against disclosure of this information.

Ref: ID# 923656

Enc. Submitted documents

c: 2 Requestors
(w/o enclosures)