



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

February 19, 2009

Ms. Leticia McGowan
Dallas Independent School District
3700 Ross Avenue
Dallas, Texas 75204

OR2009-02207

Dear Ms. McGowan:

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# 335333.

The Dallas Independent School District (the "district") received a request for the output of the SQL command "describe <table name>" and "the field names and descriptions for any table in any database holding information regarding invoices." You claim the requested information is excepted from disclosure under sections 552.101 and 552.110 of the Government Code. You also state the requested information may contain proprietary information of Oracle USA, Inc. ("Oracle"). You state, and provide documentation showing, that you have notified Oracle of the request and of its opportunity to submit comments to this office as to why the requested information should not be released to the requestor. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 (1990) (determining that statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain the applicability of exception to disclose under Act in certain circumstances). We have received comments from Oracle. We have considered Oracle's arguments and reviewed the submitted representative sample of information.¹ We have also

¹We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

considered comments submitted by the requestor. *See* Gov't Code § 552.304 (providing that interested party may submit comments stating why information should or should not be released).

Initially, we address the request itself. Section 552.002 of the Government Code defines "public information" as "information that is collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business[.]" *Id.* § 552.002. Information is generally public information within the Act when it relates to the official business of a governmental body or is used by a public official or employee in the performance of official duties. *See* Open Records Decision No. 635 at 4 (1995). In Open Records Decision No. 581 (1990), this office determined, however, 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 public information for purposes of section 552.002. Therefore, to the extent the request is for Oracle's database, including its underlying source codes and table structures, we determine this information does not have significance other than its use as a tool for the maintenance, manipulation, or protection of public property. Thus, Oracle's database does not constitute public information subject to the Act. However, because the district's data contained within the database constitutes public information, we will address the submitted arguments regarding this information.

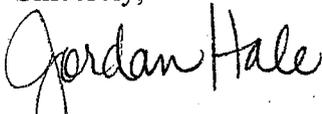
Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. While the district raises section 552.101, you have not pointed to any confidentiality provision, nor are we aware of any, that would make any of the submitted information confidential under section 552.101. Therefore, the district may not withhold any portion of the submitted information under section 552.101 of the Government Code.

Next, Oracle states in its brief submitted to this office that it "does not have any title to, or interest in, any of [the district's] data or any complications of such data." Upon review, we find the submitted information consists of data of the district. Therefore, we determine Oracle does not object to release of the submitted information. Accordingly, the district may not withhold any portion of the submitted information on the basis of any proprietary interest that Oracle may have in it. Although the district asserts the submitted information is excepted from disclosure under section 552.110 of the Government Code, we note section 552.110 is designed to protect the interests of third parties, not the interests of a governmental body. Therefore, because Oracle does not object to release of the information at issue, the district may not withhold any of the submitted information under section 552.110 of the Government Code. As no other exceptions to disclosure are raised, the submitted information must be released to the requestor.

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.oag.state.tx.us/open/index_orl.php, 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 must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.~~

Sincerely,



Jordan Hale
Assistant Attorney General
Open Records Division

JH/eeg

Ref: ID# 335333

Enc. Submitted documents

cc: Requestor
(w/o enclosures)

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