



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

December 20, 2010

Ms. Barbara M. Adan  
Records Management Officer  
Bexar Appraisal District  
P.O. Box 830248  
San Antonio, Texas 78283-0248

OR2010-19141

Dear Ms. Barbara M. Adan:

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# 403320.

The Bexar Appraisal District (the "district") received a request for (1) the current 2010 land market values on Act #328092 and Act #328027; (2) the mathematical/computer formula with the definitions and symbols that were used to compute the requestor's 2010 land market values; (3) the mathematical/computer formula with the definitions and symbols that were used to compute the 2010 land market value on Act # 328104; and (4) the Registered Professional Appraiser number of a named individual.<sup>1</sup> You indicate the district has released information responsive to items one and four to the requestor, including calculation worksheets for the land market values at issue. You take no position with respect to the public availability of items two and three of the requested information, but believe the request may implicate the proprietary interests of True Automation, Inc. ("TA"). Accordingly, you notified TA of this request for information and of its right to submit arguments to this office as to why the information should not be released. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 (1990) (statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and

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<sup>1</sup>We note the district asked for and received clarification regarding this request. *See* Gov't Code § 552.222(b) (governmental body may communicate with requestor for purpose of clarifying or narrowing request for information).

explain applicability of exception in the Act in certain circumstances). TA has responded to the notice and argues the submitted information is not subject to the Act, and in the alternative, is excepted from disclosure under section 552.110 of the Government Code. We have considered the submitted arguments and reviewed the submitted information.

Initially, we must address whether the submitted information is subject to the Act. The Act is applicable to "public information," which section 552.002 of the Government Code defines as "information that is collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business by a governmental body." Gov't Code § 552.002(a)(1). 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 that is made public under section 552.021 of the Act. Having reviewed the submitted source code, we find it is not public information under section 552.002 of the Government Code as it is used solely as a tool to maintain, manipulate, or protect public property and has no other significance. Open Records Decision No. 581 at 6 (1990) (construing predecessor statute). As such, the source code is not subject to the Act and need not be released.<sup>2</sup>

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](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, toll free at (888) 672-6787.

Sincerely,



Sean Nottingham  
Assistant Attorney General  
Open Records Division

SN/eeg

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<sup>2</sup>As our ruling is dispositive, we do not reach TA's claim under section 552.110 of the Government Code.

Ref: ID# 403320

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Mr. Osvaldo Morales  
2600 Technology Drive, Suite 900  
Plano, Texas 75074  
(w/o enclosures)