



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 27, 2011

Ms. Lauren O'Connor
Assistant City Attorney
City of San Antonio
P.O. Box 839966
San Antonio, Texas 78283

OR2011-05788

Dear Ms. O'Connor:

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# 415593 (ORR# 10-0238).

The City of San Antonio (the "city") received a request for fifteen specified sample forms from the city's Purchasing and General Services Department (the "department"). You claim the submitted information is not subject to the Act. We have considered the submitted arguments and reviewed the submitted information.

The Act is applicable to "public information" as defined by section 552.002 of the Government Code. Section 552.002(a) provides "public information" consists of

information that is collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business:

- (1) by a governmental body; or
- (2) for a governmental body and the governmental body owns the information or has a right of access to it.

Gov't Code § 552.002(a). Thus, virtually all of the information in a governmental body's physical possession constitutes public information and thus is subject to the Act. *See id.* § 552.002(a)(1); *see also* Open Records Decision Nos. 549 at 4 (1990), 514 at 1-2 (1988). Moreover, section 552.001 of the Act provides it is the policy of this state that each person is entitled, unless otherwise expressly provided by law, at all times to complete information about the affairs of government and the official acts of public officials and employees. *See* Gov't Code § 552.001(a).

You contend the submitted forms and templates are not public information subject to the Act because "[t]hey are tools that staff uses to collect, store and maintain data." You argue "[u]ntil [the submitted forms and templates] are populated, they do not contain 'information that is collected, assembled, or maintained.'" In support of your arguments you raise Open Records Decision No. 581 (1990). In Open Records Decision No. 581, this office determined certain computer information, such as source codes, documentation information, and other computer programming, that had 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 for purposes of section 552.021. As noted above, the submitted information consists of blank forms used by the city. You argue the submitted information is no different from a database template that is merely a tool for the inputting, storing and accessing of data. However, we find you have failed to demonstrate how the submitted blank forms consist of computer information as contemplated by Open Records Decision No. 581. You inform us the submitted sample forms and templates are used by staff of the department in carrying out their functions with respect to the procurement of contracts. Information is within the scope of the Act if it relates to the official business of a governmental body and is maintained by a public official or employee of the governmental body. *See* Gov't Code § 552.002(a). Thus, having considered your arguments and reviewed the information at issue, we find the submitted information is maintained by the city in connection with the transaction of official city business that has significance other than as a tool for the maintenance, manipulation, or protection of public property. Accordingly, because the submitted information is subject to the Act, it may be withheld only if it is excepted from disclosure under an exception in the Act. As you raise no exceptions to disclosure under the Act for the submitted information, it must be released. *See id.* §§ 552.301, .302.

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, toll free at (888) 672-6787.

Sincerely,

A handwritten signature in black ink, appearing to read "Claire Morris Sloan". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Claire V. Morris Sloan
Assistant Attorney General
Open Records Division

CVMS/tf

Ref: ID# 415593

Enc. Submitted documents

c: Requestor
(w/o enclosures)