



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 24, 2011

Mr. Michael B. Gary
Legal Counsel
Harris County Appraisal District
P.O. Box 920975
Houston, Texas 77292-0975

OR2011-12241

Dear Mr. Gary:

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# 428885 (HCAD #11-067).

The Harris County Appraisal District (the "district") received a request for tax year 2011 data fields used in the NOI Adjustment and documents containing any schedules, formulas, and all other information that explains the calculations used in the NOI Adjustment. You state you are releasing some of the requested information. You claim that the remaining requested information is not subject to the Act. We have considered your arguments and reviewed the submitted representative sample of information.¹

You contend the requested source code and computer documentation information is not 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,

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.

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 and computer documentation information, 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. ORD 581 at 6 (construing predecessor statute). As such, the requested source code and computer documentation information is not subject to the Act and need not be released.

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,



Sarah Casterline
Assistant Attorney General
Open Records Division

SEC/eb

Ref: ID# 428885

Enc. Submitted documents

c: Requestor
(w/o enclosures)