



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

February 22, 2012

Mr. Matthew C. G. Boyle
Assistant General Counsel
Irving Independent School District
Boyle & Lowry, LLP
4201 Wingren, Suite 108
Irving, Texas 75062-2763

OR2012-02725

Dear Mr. Boyle:

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# 446581.

The Irving Independent School District (the "district"), which you represent, received a request for access to the district's computers in order to use specified software licensed to the district. You claim that the computers and computer software are not subject to the Act. In the alternative, you claim the requested information is exempted from disclosure under sections 552.101 and 552.110 of the Government Code. We have considered your arguments.

You assert the district's computers and software licensed to the district are not subject to the Act. In Open Records Decision No. 581 (1990), this office determined 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 the kind of information made public under section 552.021 of the Government Code. You state the district obtained a license for the software at issue for the purpose of computerized mapping. You argue that while the documents produced by the software would be subject to the Act, the software itself is merely a tool for the maintenance, manipulation, or protection of public property. Based on your representations, we find the requested software does not constitute public information under section 552.002 of the Government Code. We therefore conclude this information is

not subject to the Act and need not be made available to the requestor under the Act. You also argue the district's computers are not subject to the Act. This office has ruled that tangible physical items are not "information" as that term is contemplated under the Act. *See, e.g.*, ORD 581. Thus, any responsive tangible object that is maintained by the district is not public information that is subject to the Act. Therefore, the district is not required to grant access to district computers under the Act in response to the present request. *See* Gov't Code §§ 552.002, .021. As our ruling is dispositive, we do not address your remaining arguments against disclosure.

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,



Misty Haberer Barham
Assistant Attorney General
Open Records Division

MHB/eb

Ref: ID # 446581

Enc. Submitted documents

c: Requestor
(w/o enclosures)