



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 19, 2012

Mr. R. Brooks Moore
Managing Counsel, Governance
The Texas A&M University System
301 Tarrow Street, 6th Floor
College Station, Texas 78711-2548

OR2012-14930

Dear Mr. Moore:

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# 465636 (TAMU 12-314).

Texas A&M University (the "university") received a request for e-mails sent to or received by twenty-three named university employees during specified periods of time. You indicate you have released or will release most of the requested information. You claim some of the submitted information is not subject to the Act. We have considered your arguments and reviewed the submitted information.

You assert the information you have marked is not subject to disclosure under the Act. The Act is applicable to "public information." See Gov't Code § 552.021. Section 552.002 of the Act provides that "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." *Id.* § 552.002(a). Thus, virtually all information that is in a governmental body's physical possession constitutes public information that is subject to the Act. *Id.* § 552.002(a)(1); see also Open Records Decision Nos. 549 at 4 (1990), 514 at 1-2 (1988). 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 that is made public under section 552.021. *See* ORD 581 at 6 (construing predecessor statute). You contend the username and password information you have marked is not public information, as defined by section 552.002. Based on your representation and our review of the information at issue, we agree the information you have marked is not public information for the purposes of section 552.002, and thus is not subject to disclosure under the Act. *See* Gov't Code § 552.021. Therefore, the information you have marked need not be released in response to this request for information. As you raise no exceptions to disclosure of the remaining information, the remaining information must 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,



Kathryn R. Mattingly
Assistant Attorney General
Open Records Division

KRM/bhf

Ref: ID# 465636

Enc. Submitted documents

c: Requestor
(w/o enclosures)