



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 4, 2012

Ms. Susan D. Banowsky
Counsel for the Texas Windstorm Insurance Association
Ewell, Bickham, Brown & Rabb, L.L.P.
111 Congress Avenue, Suite 400
Austin, Texas 78701

OR2012-15855

Dear Ms. Banowsky:

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# 467060.

The Texas Windstorm Insurance Association (the "association"), which you represent, received a request for any information pertaining to certain "testing or analyses conducted by [t]he [association's] IT Department's QA branch" during a specified time period. You state you have released some information to the requestor. You claim some of the submitted information is either not subject to the Act or is excepted from disclosure under section 552.139 of the Government Code. We have considered your arguments and reviewed the submitted representative sample of information.¹

You contend some of the submitted information is not public information subject to the Act. The Act is applicable only to "public information." *See* Gov't Code §§ 552.002, .021. Section 552.002(a) provides that "public information" consists of the following:

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

¹We assume the "representative sample" of information 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.

(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 of the information in a governmental body's physical possession constitutes public information and, thus, is subject to the Act. *Id.* § 552.002(a)(1); *see* Open Records Decision Nos. 549 at 4 (1990), 514 at 1-2 (1988). However, 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 inform us the server names in the submitted information are a key to accessing the association's servers. You further state the only significance of this information is as a tool for the storage, manipulation, and security of other information. Based on your representations and our review, we agree the sever names you have marked do not constitute public information for the purposes of section 552.002. Therefore, the marked server names are not subject to the Act, and the association need not release that information in response to this request.² As you raise no exceptions to disclosure for the remaining information, it 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,



Jennifer Burnett
Assistant Attorney General
Open Records Division

JB/tch

²As we are able to make this determination, we need not address your argument under section 552.139 against disclosure of this information.

Ref: ID# 467060

Enc. Submitted documents

c: Requestor
(w/o enclosures)