



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

February 19, 2013

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

OR2013-02740

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# 479141 (HCAD Ref #12-3720B and #12-3729).

The Harris County Appraisal District (the "district") received a request for all information that reference the subject of the requestor's previous request for information pertaining to a posting on the requestor's website, and the district's process of determining it could not identify the source of the posting. The district received a second request for information from a specified "user log" for a specified period of time. You claim portions of the submitted information are not public information under the Act. We have considered your argument and reviewed the submitted representative sample of information.<sup>1</sup>

Initially, we note some of the submitted information, which we have marked, is not responsive to the second request for information because it is not from the time period specified in this request. This decision does not address the public availability of information that is not responsive to the request and the district is not required to release non-responsive information in response to the second request.

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<sup>1</sup>We assume 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.

You argue the submitted IP addresses do not constitute public information for purposes of the Act. The Act is applicable to "public information," which 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). In Open Records Decision No. 581 (1990), this office determined certain computer information that has no significance other than its use as a tool for the maintenance, manipulation, or protection of public property, such as source codes, documentation information, and other computer programming, is not the kind of information made public under section 552.021 of the Government Code. *See* ORD 581 at 6 (construing predecessor statute).

You indicate the IP addresses you have marked in the remaining responsive information have no significance other than their use as tools for the maintenance, manipulation, or protection of public property. We disagree. The information at issue pertains to the use of district computers and networks by district employees. You do not indicate this usage of district computers was a *de minimis* personal usage by district employees not related to public business. Thus, we find the submitted IP addresses do have public significance other than their use as tools for the maintenance, manipulation, or protection of public property. Accordingly, we find the information at issue is public information subject to the Act. As you raise no exceptions to disclosure, the responsive information must be released.<sup>2</sup>

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](http://www.oag.state.tx.us/open/index_orl.php), or call the Office of the Attorney General's Open Government Hotline, toll free,

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<sup>2</sup>We note the information being released contains the requestor's e-mail address, to which he has a right of access pursuant to section 552.137(b) of the Government Code. *See* Gov't Code § 552.137(b). Should the district receive another request for this information from a different requestor, we note Open Records Decision No. 684 (2009) is a previous determination to all governmental bodies authorizing them to withhold ten categories of information, including an e-mail address of a member of the public under section 552.137 of the Government Code, without the necessity of requesting an attorney general decision. *See* ORD 684.

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 cursive script that reads "Kathleen J. Santos".

Kathleen J. Santos  
Assistant Attorney General  
Open Records Division

KJS/dls

Ref: ID# 479141

Enc. Submitted documents

c: Requestor  
(w/o enclosures)