



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 8, 2013

Ms. Lisa Chavarria
Stahl, Bernal & Davies, L.L.P.
7320 North Mopac, Suite 211
Austin, Texas 78731

OR2013-13783

Dear Ms. Chavarria:

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# 495740.

The Colorado River Municipal Water District (the "district"), which you represent, received a request for the user ID and password to the district's administrative website. You claim the instant request is not a request to the district under the Act. You also claim the submitted information is not subject to the Act. In the alternative, you claim the submitted information is excepted from disclosure under section 552.139 of the Government Code. We have considered the submitted arguments and reviewed the submitted information.

Initially, we address the district's claim the instant request was not a request to the district under the Act. This office has held a written communication that reasonably can be judged to be a request for public information constitutes a request for information under the Act. *See* Open Records Decision Nos. 497 at 3 (1988), 44 at 2 (1974). In this regard, we note a request for information need not refer to the Act or be addressed to the officer for public information. ORDs 497 at 3, 44 at 2. In this case, the request was submitted to the district on the district's Open Records Request form, was received by the district, and seeks information pertaining to a district website. Thus, we find the instant request to be a valid information request under the Act to the district, and we will address your arguments against disclosure.

Next, we address your assertion the password and user ID are not subject to the Act. The Act is applicable only to "public information." *See* Gov't Code § 552.021. Section 552.002 of

the Act defines public information as 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. 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). You assert the user ID and password are not public information subject to the Act. This office has determined 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. See Open Records Decision No. 581 (1990). Based on the reasoning in that decision and our review of the information at issue, we determine the submitted user ID and password do not constitute public information under section 552.002. Accordingly, the submitted user ID and password are not subject to the Act and need not be disclosed. As our determination is dispositive, we need address your remaining argument 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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Jennifer Burnett
Assistant Attorney General
Open Records Division

JB/tch

Ref: ID# 495740

Enc. Submitted documents

c: Requestor
(w/o enclosures)