



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 22, 2014

Mr. Ed. C. Jones
Angelina County Attorney
P.O. Box 1845
Lufkin, Texas 75902-1845

OR2014-08850

Dear Mr. Jones:

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# 523623.

The Angelina County Judge (the "county") received a request for information related to the database design and design process associated with Tyler Technologies and any other software development company used by the county. Although you take no position on whether the requested information is excepted from disclosure, you state release of this information may implicate the proprietary interests of Tyler Technologies ("Tyler"). Accordingly, you have notified Tyler of the request and of its right to submit arguments to this office as to why its information should not be released. *See* Gov't Code § 552.305(d) (permitting interested third party to submit to attorney general reasons why requested information should not be released); Open Records Decision No. 542 (1990) (statutory predecessor to section 552.305 permitted governmental body to rely on interested third party to raise and explain applicability of exception to disclosure under certain circumstances). We have received comments from Tyler. We have considered the submitted arguments.

Tyler contends the requested database design and process information is not subject to the Act. The Act is applicable only to "public information." Gov't Code §§ 552.002, .021. Section 552.002(a) defines "public information" as information that is written, produced,

collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business:

- (1) by a governmental body;
- (2) for a governmental body and the governmental body:
 - (A) owns the information;
 - (B) has a right of access to the information; or
 - (C) spends or contributes public money for the purpose of writing, producing, collecting, assembling, or maintaining the information; or
- (3) by an individual officer or employee of a governmental body in the officer's or employee's official capacity and the information pertains to official business of the governmental body.

Id. § 552.002(a). 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. *See* ORD 581 at 6 (construing predecessor statute). The requestor seeks source code and computer programming information used to design the software used by the county. Upon review, we determine the requested information does not have significance other than its use as a tool for the maintenance, manipulation, or protection of public property. Thus, the requested information does not constitute public information under section 552.002 of the Government Code and need not be released in response to this request for information.¹

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

¹ As we are able to reach this conclusion, we need not address Tyler's remaining arguments.

providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Debbie K. Lee
Assistant Attorney General
Open Records Division

DKL/bhf

Ref: ID# 523623

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Mr. H. Lynn Moore, Jr.
Executive VP and Executive Counsel
Tyler Technologies
5101 Tennyson Parkway
Plano, Texas 75024
(w/o enclosures)