



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

June 14, 1993

Mr. Charles Karakashian, Jr.  
Assistant General Counsel  
Texas Department of Public Safety  
P.O. Box 4087  
Austin, Texas 78773

OR93-288

Dear Mr. Karakashian:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 19698.

The Texas Department of Public Safety ("DPS") received a request for information regarding the selection of driver's license records for jury wheels in Nueces County. Specifically the request is for

a copy of an August 9, 1991 letter from Jim Kilchenstein to Van Samo at the Nueces County Data Processing Department enclosing a tape of 51,106 driver's license records and a copy of the computer program used by DPS to compile the list of driver's license records used in the juror selection process in 1991.

You agree to provide the requestor with a copy of the requested letter that contains specifications as to how driver's license records were selected for Nueces County. You contend that the computer program is not subject to the Open Records Act, or alternatively, that the program is excepted by section 3(a)(8).

We agree that the computer program is not considered "information" within the ambit of the Open Records Act. A previous determination of this office, Open Records Decision No. 581 (1991), a copy of which is enclosed, resolves your request.

Where information has no significance other than its use as a tool for the maintenance, manipulation, or protection of public property, it is not the kind of information made public by section 3(a) of the Open Records Act.

*Id.* at 7. A computer program that selects driver's license files for inclusion in jury wheels for specific counties is the type of information that "manipulates" public property.<sup>1</sup> For this reason, you may withhold the requested computer program.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay  
Assistant Attorney General  
Opinion Committee

LRD/SG/le

Ref.: ID# 19698  
ID# 19742

Enclosures: submitted documents  
Open Records Decision No. 581

cc: Ms. Catherine M. Benouis  
Jones, Day, Reavis & Pogue  
301 Congress Avenue, Suite 1200  
Austin Texas 78701  
(w/o enclosures)

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<sup>1</sup>We note that the information maintained within the DPS computer data base is subject to public disclosure unless specifically excepted by the Open Records Act. *Id.*