



OFFICE *of the* ATTORNEY GENERAL
GREG ABBOTT

June 23, 2003

Mr. Edward Perry
Assistant City Attorney
City of Dallas
1500 Marilla, 7DN
Dallas, Texas 75201

OR2003-4274

Dear Mr. Perry:

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# 183160.

The City of Dallas (the "City") received a request for the following three categories of information:

1. Computer log files from [a specific host and IP address during a specified time period] associated with any access to web-based (http) service in the domain "yahoo.com" including, but not limited to, accessing electronic mail at yahoo.com . . . please provide . . . the physical location of the computer used to access this service, and the identity of the user performing such access.
2. For [a specific] electronic mail message . . . received from [specified commercial servers at a certain time from a named individual's personal e-mail address], please provide . . . copies of all replies to this message with all message headers intact, and the physical location of the computer used to produce the reply to this message.
3. For each electronic mail account referred to in Exhibit "A" ("List of City Email Addresses"), please provide . . . the full name of the employee to whom the account is assigned, and the employee's job title, and the employee's department.

You indicate you will release some of the requested information to the requestor upon receipt of the reproduction cost. However, you state information responsive to item number two does not exist.¹ Further, you contend the submitted highlighted information is not public information as defined by the Act. Alternatively, you assert the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have reviewed the representative sample of information you submitted and we have considered your arguments.² We note our receipt of the requestor's comments as permitted by the Act. See Gov't Code § 552.304 (permitting interested third party to submit comments explaining why information should or should not be released).

You contend that the highlighted portions of Exhibit B consisting of the Firewall ID, Source Internet Protocol ("IP") Address, Source Address Port, and the Rule Allowing/Denying do not constitute public information as defined by section 552.002 of the Government Code. The Act applies only to "public information." See Gov't Code § 552.021. Section 552.002 of the Government Code 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.

Gov't Code § 552.002. In Open Records Decision No. 581, 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. Open Records Decision No. 581 at 4 (1990). Information such as the Firewall ID, IP Address, Source Address Port, and the Rule Allowing/Denying are the types of information that have no significance other than their use as tools for the maintenance, manipulation, or protection of public property. Consequently, we conclude the highlighted information the City seeks to withhold from

¹ Several provisions of the Act imply a governmental body need not prepare new information to comply with the Act; the Act applies to information already in existence. See Gov't Code §§ 552.002, .021, .227, .351. The Act does not require a governmental body to provide information that does not exist. Open Records Decision No. 362 (1983).

² 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 those records contain substantially different types of information than that submitted to this office.

Exhibit B is not public information as defined by section 552.002, and, therefore, is not subject to the Act.³ The City must release the remainder of the submitted information to the requestor.

This letter ruling is limited to the particular records 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 records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at (877) 673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Dep't of Pub. Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.—Austin 1992, no writ).

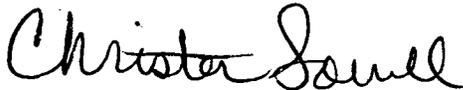
Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or

³ As our conclusion is dispositive, we need not address your claim under section 552.101 of the Government Code.

complaints about over-charging must be directed to Hadassah Schloss at the Texas Building and Procurement Commission at (512) 475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. We note that a third party may challenge this ruling by filing suit seeking to withhold information from a requestor. Gov't Code § 552.325. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,

A handwritten signature in black ink that reads "Christen Sorrell". The signature is written in a cursive, flowing style.

Christen Sorrell
Assistant Attorney General
Open Records Division

CHS/sdk

Ref: ID# 183160

Enc: Submitted documents

c: Mr. Allen Gwinn
319 Kahala Drive
Dallas, Texas 75218
(w/o enclosures)