



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 18, 2004

Dr. Ronnie Glasscock
President
North Central Texas College
1525 West California Street
Gainesville, Texas 76240-4699

OR2004-4088

Dear Dr. Glasscock:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 201720.

North Central Texas College (the "college") received two requests from the same requestor for IP addresses, Microsoft Office License Product IDs, Perfect Tracker Tickets, and computer source files from specific college computers. You state that you have released some of the requested information to the requestor. You claim, however, that the remaining requested information is not subject to disclosure under the Public Information Act (the "Act"). In the alternative, you contend that the remaining requested information is excepted from disclosure under section 552.139 of the Government Code. We have considered your arguments and reviewed the submitted sample of information.¹

You argue that the information at issue has no significance other than its use as a tool for maintenance, manipulation, or protection of the college's public property. 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

¹ We assume that 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.

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 (1990) (construing predecessor statute). We understand you to assert that, like the computer-related information at issue in that decision, the information at issue here functions solely as a tool to maintain, manipulate, or protect public property and has no independent relevance. *Id.* at 6. After considering your arguments and carefully reviewing the submitted information, we agree that the IP addresses, Microsoft Office License Product IDs, and computer source files are the types of information that were at issue in Open Records Decision No. 581. As such, this information is not public information as defined by section 552.002 of the Government Code, and, therefore, is not subject to the Act. Thus, it need not be released in response to this request. We conclude, however, that the Perfect Tracker Tickets are not the same type of information that was at issue in Open Records Decision No. 581 and instead constitute public information subject to release under the Act unless an exception to disclosure applies.

You claim that the Perfect Tracker Tickets are excepted from disclosure pursuant to section 552.139 of the Government Code. This section provides:

(a) Information is excepted from the requirements of Section 552.021 if it is information that relates to computer network security or to the design, operation, or defense of a computer network.

(b) The following information is confidential:

(1) a computer network vulnerability report; and

(2) any other assessment of the extent to which data processing operations, a computer, or a computer program, network, system, or software of a governmental body or of a contractor of a governmental body is vulnerable to unauthorized access or harm, including an assessment of the extent to which the governmental body's or contractor's electronically stored information is vulnerable to alteration, damage, or erasure.

Gov't Code § 552.139. You state that the Perfect Tracker Tickets relate to the college's computer network operation and are confidential. Additionally, you argue that by disseminating information regarding the problems and inadequacies in the college's computer system, hackers are more likely to attempt to hack into the college's computer system. Based on your representations and our review of the information, we find that portions of the Perfect Tracker Tickets constitute information relating to computer network security and the design of a computer network for purposes of section 552.139(a). Accordingly, we have marked the information on the Perfect Tracker Tickets that the college must withhold pursuant to section 552.139(a) of the Government Code.

In summary, the IP addresses, Microsoft Office License Product IDs, and computer source files are not public information as defined by section 552.002 of the Government Code, and they need not be released in response to this request. We have marked the information in the Perfect Tracker Tickets that the college must withhold under section 552.139. The remaining information must be released 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 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,



Lauren E. Kleine
Assistant Attorney General
Open Records Division

LEK/seg

Ref: ID# 201720

Enc. Submitted documents

c: Mr. Stephen M. Gaylord
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(w/o enclosures)