



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 26, 2006

Mr. David Swope
Assistant County Attorney
Harris County Attorney
1019 Congress, 15th Floor
Houston, Texas 77002

OR2006-08110

Dear Mr. Swope:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 254938.

The Harris County Attorney (the "county attorney") received a request for correspondence between the Justice Information Management System ("JIMS") and several individuals and entities regarding JIMS data, as well as information that "describes the architecture, contents, formats and/or JIMS data received by each person or entity identified." You state that you are releasing the correspondence between JIMS and the individuals and entities identified regarding JIMS data to the requestor. You claim, however, that the information that "describes the architecture, contents, formats and/or JIMS data received by each person or entity identified" is not public information subject to the Public Information Act (the "Act"). We have considered your arguments and reviewed the submitted information.¹

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 [.]" Gov't Code § 552.002. Information is generally public information within the Act when it relates to the official business of a governmental body or is used by a public official or employee in the performance of official duties. See Open

¹We 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.

Records Decision No. 635 at 4 (1995). In Open Records Decision No. 581 (1990), this office determined, however, 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 public information for the purposes of section 552.002 of the Government Code. You state that the remaining requested information that “describes the architecture, contents, formats and/or JIMS data received by each person or entity identified” consists of tool suites and that the sole purpose of this information is the maintenance and manipulation of data concerning JIMS. Based on your arguments and our review of the information, we agree that the remaining requested information is used solely as a tool for the maintenance and manipulation of public property. *See* ORD 581. Accordingly, the remaining requested information is not public information subject to the Act and the county attorney need not release it in response to this request.

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).

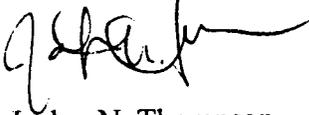
If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, upon receiving this ruling, the governmental body will either release the public records promptly pursuant to section 552.221(a) of the Government Code or file a lawsuit challenging this ruling pursuant to section 552.324 of the Government Code. If the governmental body fails to do one of these things, 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 Office of the Attorney General 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. 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,



Jaclyn N. Thompson
Assistant Attorney General
Open Records Division

JNT/ir

Ref: ID# 254938

Enc. w/o enclosures

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ACLU of Texas
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(w/o enclosures)