



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

July 11, 2016

Mr. Jon Heining  
General Counsel  
Texas Legislative Council  
P.O. Box 12128, Capitol Station  
Austin, Texas 78711-2128

OR2016-15606

Dear Mr. Heining:

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# 617705.

The Texas Legislative Council (the "council") received two requests from the same requestor for records showing when two named individuals logged on to their state computers during a specified time period. You claim the requested information is not subject to the Act. You also claim the requested information is excepted from disclosure under sections 552.101, 552.103, and 552.152 of the Government Code. We have considered your arguments and reviewed the submitted representative sample of information.<sup>1</sup>

Initially, you argue the requested login information is not subject to the Act. Section 552.002(a) of the Government Code 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:

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<sup>1</sup>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.

- (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.

Gov't Code § 552.002(a). In Open Records Decision No. 581 (1990), this office determined 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. We understand the council to assert the requested login information has no significance other than its use as a tool for the maintenance, manipulation, or protection of public property. We disagree. You state the council is tasked with providing information technology services to state legislators. You inform us the council accessed the requested login information in response to a request for assistance from a state legislator and provided the requested login information to the Texas Department of Public Safety, at the request of the state legislator, for purposes of an ongoing criminal investigation. Thus, we find the requested login information does have public significance other than its use as a tool for the maintenance, manipulation, or protection of public property. You also inform us the council is the only state entity that provides information technology services to the legislature and maintains this information in furtherance of its provision of these services. Upon review, we find requested login information is public information subject to the Act, and the council is the proper custodian of the requested login information. Accordingly, we will consider your arguments against disclosure of the requested login information.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This section encompasses section 323.018 of the Government Code, which provides, "[r]ecords relating to requests of council staff for the drafting of proposed legislation or for assistance, information, advice, or opinion are not public information." Gov't Code § 323.018. You inform us the council does not provide access to the legislative computer system unless it is requested to do so by a legislator. You assert the requested login information, therefore, provides evidence of a legislator's request for assistance from

the council to provide access to the legislative computer system. As previously noted, you also inform us the council accessed the requested login information in response to a request for assistance from a state legislator and provided the requested login information to the Texas Department of Public Safety, at the request of the state legislator, for purposes of an ongoing criminal investigation. Based on your representations, we agree the requested login information consists of “[r]ecords related to requests of council staff . . . for assistance” and is confidential under section 323.018 of the Government Code. Therefore, the council must withhold the requested login information under section 552.101 of the Government Code on that ground.<sup>2</sup>

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

Sincerely,

A handwritten signature in black ink, appearing to read 'MLC', followed by a long horizontal line extending to the right.

Meredith L. Coffman  
Assistant Attorney General  
Open Records Division

MLC/bw

Ref: ID# 617705

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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<sup>2</sup>As our ruling is dispositive, we need not address your remaining arguments against disclosure.