



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

June 20, 2017

Mr. Paul Fletcher
Counsel for City of Eagle Pass
Langley & Banack, Incorporated
745 East Mulberry, Suite 900
San Antonio, Texas 78212-3166

OR2017-13556

Dear Mr. Fletcher:

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# 662970 (Records Request No. 2017-53).

The City of Eagle Pass (the "city"), which you represent, received a request for e-mails between specified individuals during a specified time period. You claim the submitted information is excepted from disclosure under section 552.139 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.139 of the Government Code provides, in relevant part:

(a) Information is excepted from [required public disclosure] if it is information that relates to computer network security, to restricted information under Section 2059.055 [of the Government Code], or to the design, operation, or defense of a computer network.

(b) The following information is confidential:

(1) a computer network vulnerability report;

(2) any other assessment of the extent to which data processing operations, a computer, a computer program, network, system, or

system interface, 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 containing sensitive or critical information is vulnerable to alteration, damage, erasure, or inappropriate use[.]

Gov't Code § 552.139(a), (b)(1)-(2). Section 2059.055 of the Government Code provides, in pertinent part:

(b) Network security information is confidential under this section if the information is:

- (1) related to passwords, personal identification numbers, access codes, encryption, or other components of the security system of a state agency;
- (2) collected, assembled, or maintained by or for a governmental entity to prevent, detect, or investigate criminal activity; or
- (3) related to an assessment, made by or for a governmental entity or maintained by a governmental entity, of the vulnerability of a network to criminal activity.

Id. § 2059.055(b). You state the submitted information relates to the purchase and use of a certain hardware and software by the city. You further state the information at issue relates to the design, operation, or defense of the computer network for the city. You argue release of the information at issue would allow individuals to discover the known weaknesses or vulnerabilities of the city's computer infrastructure and the specific software at issue. Based on your representations and our review, we find the city must withhold the information we marked under section 552.139(a) of the Government Code. However, upon review, we find you have failed to demonstrate the applicability of section 552.139 to the remaining information, and the city may not withhold any of it on that basis. As you raise no other exceptions to disclosure, the city must release the remaining information.

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, 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 "D. Michelle Case", with a long, sweeping horizontal stroke at the end.

D. Michelle Case
Assistant Attorney General
Open Records Division

DMC/nmd

Ref: ID# 662970

Enc. Submitted documents

c: Requestor
(w/o enclosures)