



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

August 11, 2017

Mr. Matthew K. Behrens
Assistant General Counsel
El Paso Water Utilities
P.O. Box 511
El Paso, Texas 79961-0511

OR2017-18293

Dear Mr. Behrens:

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# 675074.

The El Paso Water Utilities-Public Service Board ("EP Water") received a request for data on utility line locations. EP Water claims the requested information is excepted from disclosure under section 552.101 of the Government Code. We have considered the claimed exception and reviewed the submitted representative sample of information.¹

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 418.181 of the Government Code, which provides "[t]hose documents or portions of documents in the possession of a governmental entity are confidential if they identify the technical details of particular vulnerabilities of critical infrastructure to an act of terrorism." *Id.* § 418.181. As with any confidentiality statute, a governmental body asserting section 418.181 must adequately explain how the responsive information falls within the scope of the provisions. *See* Gov't Code

¹We 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.

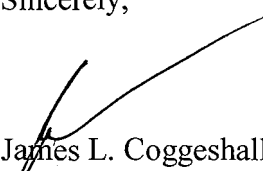
§ 552.301(e)(1)(A) (governmental body must explain how claimed exception to disclosure applies).

EP Water states the requested information reveals the locations of water and wastewater systems. EP Water asserts, and we agree, the systems at issue consist of critical infrastructure. *See generally id.* § 421.001 (defining “critical infrastructure” to include “all public or private assets, systems, and functions vital to the security, governance, public health and safety, economy, or morale of the state or the nation”). EP Water argues the requested information could be used to damage the water distribution system, contaminate water sources, and cause significant damage to property or loss of life. Upon review, we find EP Water has demonstrated the release of the submitted information would identify the technical details of particular vulnerabilities of the systems to an act of terrorism. Thus, EP Water must withhold the submitted information under section 552.101 of the Government Code in conjunction with section 418.181 of the Government Code.

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,



James L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/bw

Ref: ID# 675074

Enc. Submitted documents

c: Requestor
(w/o enclosures)