



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 26, 2017

Ms. Molly Cost
Assistant General Counsel
Texas Department of Public Safety
P.O. Box 4087
Austin, Texas 78773-0001

OR2017-22087

Dear Ms. Cost:

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# 677328 (PIR # 17-4956).

The Texas Department of Public Safety (the "department") received a request for certain information pertaining to a specified system. The department claims the submitted information is excepted from disclosure under sections 552.101, 552.108, and 552.139 of the Government Code. We have considered the claimed exceptions and reviewed the submitted representative sample of information.¹

Section 552.139 of the Government Code provides, in part:

- (a) Information is excepted from [required public disclosure] if it is information that relates to computer network security, to restricted

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 that those records contain substantially different types of information than that submitted to this office.

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; [and]

(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:

(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 governmental entity;

(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.

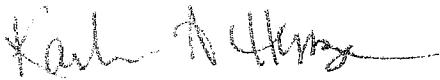
Act of May 27, 2017, 85th Leg., R.S., S.B. 564, § 2; Act of May 30, 2017, 85th Leg., R.S., H.B. 8, § 13 (to be codified as amendments to Gov't Code § 2059.055(b)). The department seeks to withhold the submitted information under section 552.139. The department explains the "database at issue supports Operation Drawbridge, a collaborative program between the [d]epartment, U.S. Border Patrol and border sheriffs." The department informs us Operation Drawbridge utilizes motion-detection cameras to detect and record smuggling or other suspicious events. The department also informs us the "[d]rawbridge database is used to record information about those events and the responses by law enforcement[.]" and its release could allow nefarious individuals to "formulate the [Standard Query Language] injections to determine information vital to Operation Drawbridge and border security, such as the location and number of cameras in certain locations." Based on your arguments and

our review of the information, we find the submitted information relates to computer network security, and the design, operation, or defense of the department's computer network. Thus, we find the department must withhold the submitted information under section 552.139 of the Government Code.²

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,



Kaelan A. Henze
Assistant Attorney General
Open Records Division

KAH/gw

Ref: ID# 677328

Enc. Submitted documents

c: Requestor
(w/o enclosures)

²As our ruling is dispositive, we need not address your remaining arguments against disclosure of this information.

