



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

November 13, 2017

Mr. J.R. Harris
Assistant County Attorney
County of Harris
1019 Congress, 15th Floor
Houston, Texas 77002

OR2017-25896

Dear Mr. Harris:

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# 683962 (ORR Nos. 17PIA0486 & 17PIA0487).

The Harris County Central Technology Services Department (the "county") received a request for information related to requests for cyber security assistance from any department of Harris County to the United States Department of Homeland Security (the "DHS") during a specified time period, including specified items. A second request from the same requestor additionally seeks information related to requests for cyber security assistance from the Federal Bureau of Investigation (the "FBI") during a specified time period. The county claims the submitted information is excepted from disclosure under sections 552.101 and 552.139 of the Government Code. We have considered the exceptions the county claims and reviewed the submitted representative sample of information.¹

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.

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.

(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; [and]

...

(4) information directly arising from a governmental body's routine efforts to prevent, detect, investigate, or mitigate a computer security incident, including information contained in or derived from an information security log.

Gov't Code § 552.139(a), (b)(1)-(2), (4). 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 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., Ch. 560, § 2, 2017 Tex. Sess. Law Serv. 1543, 1544 (to be codified as an amendment to Gov't Code § 2059.055(b)). The county states the submitted information consists of Joint Analysis Reports and notifications from the DHS and the FBI of malicious and suspicious cyber activity. The county states this information informs governmental entities of computer network vulnerabilities, such as injection flaws, cross-site scripting vulnerabilities, and server vulnerabilities. The county states the information also contains detailed mitigation strategies and arises from the county's efforts to prevent a computer security incident. Thus, the county states, and provides an affidavit

from its Certified Information Systems Security Professional asserting, the information consists of computer network vulnerability reports and assessments of the extent to which the county's network is vulnerable to unauthorized access or harm. Upon review, we agree the submitted information relates to the county's computer network security and to the design, operation, and defense of the county's computer network. Accordingly, the county 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,



Claire V. Morris Sloan
Assistant Attorney General
Open Records Division

CVMS/som

Ref: ID# 683962

Enc. Submitted documents

c: Requestor
(w/o enclosures)

²As our ruling is dispositive, we need not address the remaining argument against disclosure of the submitted information.