



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

January 29, 2018

Ms. Lisa Ruiz  
Paralegal  
City of Dallas.  
1500 Marilla Street, Room 7DN  
Dallas, Texas 75201

OR2018-01889

Dear Ms. Ruiz:

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# 695026 (ORR# C009169-111917).

The City of Dallas (the "city") received two requests from different requestors for a feasibility study of Bachman Lake. The city states it will withhold information pursuant to Open Records Decision No. 684 (2009).<sup>1</sup> The city states it has released some of the requested information, but claims the submitted 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.<sup>2</sup>

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

---

<sup>1</sup>Open Records Decision No. 684 is a previous determination to all governmental bodies authorizing them to withhold certain categories of information without the necessity of seeking a decision from this office.

<sup>2</sup>We 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.

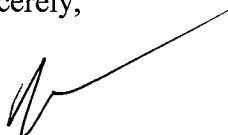
entity are confidential if they identify the technical details of particular vulnerabilities of critical infrastructure to an act of terrorism.” *Id.* § 418.181. The fact that information may generally be related to emergency preparedness does not make the information *per se* confidential under section 418.181. *See* Open Records Decision No. 649 at 3 (1996) (language of confidentiality provisions controls scope of its protection). 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 § 552.301(e)(1)(A) (governmental body must explain how claimed exception to disclosure applies).

The city asserts release of the submitted information will expose weaknesses and vulnerabilities of the city’s storm water drainage systems to an act of terrorism. Upon review, we find the city’s storm water drainage systems 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”). We also determine some of the submitted information, which we have indicated, identifies particular vulnerabilities of the storm water drainage systems to an act of terrorism. Accordingly, the city must withhold the information we have indicated under section 552.101 of the Government Code in conjunction with section 418.181 of the Government Code. However, we conclude the city has failed to demonstrate any of the remaining information is confidential under section 418.181. Therefore, the city may not withhold the remaining information under section 552.101 on that ground but, instead, must release it to the requestor.

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,



James L. Coggeshall  
Assistant Attorney General  
Open Records Division

JLC/tdw

Ref: ID# 695026

Enc. Submitted documents

c: 2 Requestors  
(w/o enclosures)