



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 12, 2019

Ms. Jennifer Burnett
Senior Attorney & Public Information Coordinator
Office of General Counsel
The University of Texas System
210 West 7th Street
Austin, Texas 78701-2901

OR2019-06806

Dear Ms. Burnett:

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# 754281 (OGC# 186245).

The University of Texas System (the "system") received a request for (1) the system's operating expenses for information technology by expense category for the 2020-2021 biennium and (2) any information technology project portfolio plans for fiscal year 2019 and beyond. The system states it does not have information responsive to category one of the request.¹ The system also states it will release some responsive information for category two of the request to the requestor. The system claims the submitted information is excepted from disclosure under section 552.139 of the Government Code.² We have considered the claimed exception and reviewed the submitted information.

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

¹The Act does not require a governmental body to create or release information that did not exist when a request for information was received. *See Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266, 267-68 (Tex. Civ. App.—San Antonio 1978, writ dismissed); Open Records Decision Nos. 605 at 2 (1992), 563 at 8 (1990), 555 at 1-2 (1990), 452 at 3 (1986), 362 at 2 (1983).

²We note, and the system acknowledges, it did not comply with the requirements of section 552.301 of the Government Code in requesting a ruling from this office. *See Gov't Code* § 552.301(e). Nonetheless, because the exception the system claims can provide a compelling reason to overcome the presumption of openness, we will consider its applicability to the submitted information. *See id.* §§ 552.007, .302, .352.

(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.

Gov't Code § 552.139(a). Section 2059.055(b)(1) of the Government Code provides "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[.]" *Id.* § 2059.055(b)(1). The system states the information at issue consists of detailed information concerning the system's secure computer network. The system argues release of this information would make certain computer network security information vulnerable to unauthorized access or harm. Based upon the system's arguments and our review of the information, we find the information at issue relates to computer network security. Accordingly, the system must withhold the information it marked under section 552.139 of the Government Code. The system 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,



James M. Graham
Assistant Attorney General
Open Records Division

JMG/eb

Ref: ID# 754281

Enc. Submitted documents

c: Requestor
(w/o enclosures)