



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

December 6, 2019

Ms. Sarah Parker
Associate General Counsel
Texas Department of Transportation
125 East 11th Street
Austin, Texas 78701-2483

OR2019-34393

Dear Ms. Parker:

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# 800435.

The Texas Department of Transportation (the "department") received a request for information pertaining to a specified solicitation. You state the department has released some information to the requestor. You claim portions of the submitted information are excepted from disclosure under section 552.139 of the Government Code. We have considered the claimed exception and reviewed the submitted representative sample of information.¹

The department raises section 552.139 of the Government Code for portions of the submitted information it has marked.² Section 552.139 of the Government Code provides, in part, the following:

¹ 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 that those records contain substantially different types of information than that submitted to this office.

² We note, although you state the submitted information pertains to a contract subject to section 2261.253 of the Government Code, section 552.139(d) of the Government Code provides "[a] state agency shall redact from a contract posted on the agency's Internet website under Section 2261.253 [of the Government Code] information that is made confidential by, or excepted from required public disclosure under, this section."

(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.

(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[.]

Id. § 552.139(a), (b)(1)-(2). Section 2059.055 of the Government Code provides, in part, the following:

(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 state agency;

(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.

Id. § 2059.055(b). You state the information at issue consists of a contract that “includes detailed information regarding [the department’s] computer network security projects, computer network infrastructure, and security software information.” You argue release of the information at issue would “expose software liabilities” and “could be used to aid someone planning an attack on [the department’s] information technology systems.” Based upon these representations and our review, we find the information you marked relates to

See Gov’t Code § 552.139(d). In addition, redaction of information under section 552.139(d) does not exempt the information from the requirements of section 552.021 or 552.221 of the Act. *Id.*

computer network security, and the design, operation, or defense of the department's computer network. Accordingly, the department must withhold the information you marked under section 552.139 of the Government Code. The department 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 <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,



James M. Graham
Assistant Attorney General
Open Records Division

JMG/be

Ref: ID# 800435

Enc. Submitted documents

c: Requestor
(w/o enclosures)