



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

February 11, 2020

Mr. R. Brooks Moore
Deputy General Counsel
The Texas A&M University System
301 Tarrow Street, 6th Floor
College Station, Texas 77840-7896

OR2020-04067

Dear Mr. Moore:

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# 811198 (ORR# C002527-111419).

West Texas A&M University (the "university") received a request for all e-mails to and from a named employee.¹ You state the university will redact information subject to section 552.117(a)(1) of the Government Code as permitted by section 552.024(c) of the Government Code and 552.136(c) of the Government Code.² You claim some of the submitted information is excepted from disclosure under section 552.139 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

¹ We note the university sought and received clarification of the information requested. *See* Gov't Code § 552.222 (providing if request for information is unclear, governmental body may ask requestor to clarify request); *see also* *City of Dallas v. Abbott*, 304 S.W.3d 380, 387 (Tex. 2010) (holding when governmental entity, acting in good faith, requests clarification of unclear or overbroad request for public information, ten-business-day period to request attorney general opinion is measured from date request is clarified or narrowed).

² Section 552.024 of the Government Code authorizes a governmental body to redact from public release a current or former official or employee's home address and telephone number, emergency contact information, social security number, and family member information excepted from disclosure under section 552.117(a)(1) without the necessity of requesting a decision from this office under the Act, if the employee timely elected to withhold such information. *See* Gov't Code §§ 552.024(a)-(c), .117(a)(1). Section 552.136 of the Government Code permits a governmental body to withhold the information described in section 552.136(b) without the necessity of seeking a decision from this office. *See id.* § 552.136(c). If a governmental body redacts such information, it must notify the requestor in accordance with section 552.136(e). *See id.* § 552.136(d), (e).

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 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 of the Government Code provides, in 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 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). The university states the information it marked relates to the “university’s computer network security; specifically, security of the university’s computer network and e[-]mail system.” The university also states “[d]isclosure of this information will increase the risk that the university’s [computer] network security system can be compromised.” Based on these representations and our review, we find the university has demonstrated the information we marked relates to computer network security, restricted information under section 2059.055, or to the design, operation, or defense of the computer network as contemplated in section 552.139(a). Accordingly, the university must withhold the information we marked under section 552.139(a) of the Government Code. However, we find the university has failed to demonstrate the remaining information at issue relates to computer network security, restricted information under section 2059.055, or to the design, operation, or defense of a computer network as contemplated in section 552.139(a) of the Government Code. *See id.* § 2059.055 (defining confidential network information for purposes of section 2059.055). Further, we find the university has failed to demonstrate this information consists of a computer network vulnerability report or assessment as contemplated by section 552.139(b) of the Government Code. Therefore, the university may not withhold any of the remaining information under section 552.139 of the Government Code. As you raise no further exceptions to disclosure, the university 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,

A handwritten signature in black ink that reads "D. Michelle Case". The signature is written in a cursive style and is followed by a long horizontal flourish.

D. Michelle Case
Assistant Attorney General
Open Records Division

DMC/mo

Ref: ID# 811198

Enc. Submitted documents

c: Requestor
(w/o enclosures)