



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 16, 2020

Ms. Lona Chastain
Legal Counsel
State Bar of Texas
1414 Colorado
Austin, Texas 78701

OR2020-08140

Dear Ms. Chastain:

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# 817263.

The State Bar of Texas (the "state bar") received a request for information pertaining to changes in public contact information for all attorneys from 2004 through 2019. You state the state bar does not have information responsive to portions of the request.¹ You claim the submitted information is excepted from disclosure under sections 552.101, 552.104, 552.1175, 552.1176, and 552.139 of the Government Code.² We have considered the exceptions you claim and reviewed the submitted representative sample of information.³

Section 552.139 of the Government Code provides, in part:

¹ The Act does not require a governmental body to release information that did not exist when a request for information was received or to prepare new information in response to a request. *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), 452 at 3 (1986), 362 at 2 (1983).

² Although the state bar also raises section 552.110 of the Government Code, we note that exception is designed to protect the interests of third parties, not the interests of a governmental body. *See Gov't Code* § 552.110 (excepts from disclosure trade secret or commercial or financial information obtained from another person). Therefore, we do not address the state bar's assertion of section 552.110 of the Government Code.

³ 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.

(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;

(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;

...

(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), (b)(4). 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). You argue the submitted information reveals information that relates to the design, operation, or defense of a computer network of the state bar. You assert the state bar only possesses the responsive information in its security audit logs. You explain these logs are used "to prevent, detect, investigate, or mitigate a computer security incident

including unauthorized changes to information that only attorneys, through their secure logon via password access, have authority to change.” You state release of the information at issue “could create a security exposure for the [s]tate [b]ar’s system architecture, the release of which would constitute a computer system vulnerability that may jeopardize the security of [s]tate [b]ar databases.” Based on these representations and our review of the information at issue, we conclude the state bar must withhold the submitted information under section 552.139 of the Government Code.⁴

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,



Kelly McWethy
Assistant Attorney General
Open Records Division

KM/jlbn

Ref: ID# 817263

Enc. Submitted documents

c: Requestor
(w/o enclosures)

⁴ As our ruling is dispositive, we need not address your remaining arguments against disclosure of the submitted information.