



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 1, 2020

Ms. ML Calcote
Assistant General Counsel
Texas Department of Public Safety
P.O. Box 4087
Austin, Texas 78773-0001

OR2020-09888

Dear Ms. Calcote:

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# 819426 (PIR# 20-0227).

The Texas Department of Public Safety (the "department") received a request for information pertaining to locksmith companies, access control companies, alarm companies, private investigator companies, and security guard companies in Texas. You claim some of the submitted information is excepted from disclosure under sections 552.101, 552.137, and 552.139 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

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 department states it has implemented an online application process called Texas Online Private Security (“TOPS”). The department explains “[i]n order to utilize TOPS, each individual new applicant and current registration holder must provide a unique email address. This email address is used along with [l]ast [n]ame and [d]ate of [b]irth for online access by the applicant/registrant. It is also used for corresponding with the applicant/registrant[.]” The department further states “the email is used for both login and the user authentication process” and the department “sends tokens through email to the user to verify that they have access to that account in order to login to the system.” Based on these representations and our review of the information, we find the department has demonstrated the information at issue 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 department must withhold the submitted e-mail addresses under section 552.139(a) of the Government Code.¹

Section 552.101 of the Government Code excepts from disclosure “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.” *Id.* § 552.101. Section 552.101 encompasses section 1702.085 of the Occupations Code, which provides as follows:

Records maintained by the department under this chapter on the home address, home telephone number, driver’s license number, or social security number of an applicant or a company license holder, individual license holder, or security officer commission holder are confidential and are not subject to mandatory disclosure under [the Act].

Occ. Code § 1702.085. You state portions of the remaining information may constitute the home addresses and home telephone numbers of individual license holders that are maintained by the department under chapter 1702 of the Occupations Code. *See id.* §§ 5.002, .003 (Occ. Code §§ 1702.004, .005) (granting department power to license and regulate investigations companies and security services contractors). Accordingly, to the extent the information consists of home addresses and home telephone numbers of

¹As our ruling is dispositive, we need not address the department’s remaining arguments against disclosure of this information.

individual license holders maintained by the department under chapter 1702, the department must withhold the home addresses and home telephone numbers in the remaining information under section 552.101 of the Government Code in conjunction with section 1702.085 of the Occupations Code. However, to the extent the remaining information does not consist of home addresses and home telephone numbers of individual license holders maintained by the department under chapter 1702 of the Occupations Code, the department may not withhold any of the remaining information at issue under section 1702.085 of the Occupations Code.

In summary, the department must withhold the submitted e-mail addresses under section 552.139(a) of the Government Code. To the extent the information consists of home addresses and home telephone numbers of individual license holders maintained by the department under chapter 1702 of the Occupations Code, the department must withhold the home addresses and home telephone numbers in the remaining information under section 552.101 of the Government Code in conjunction with section 1702.085 of the Occupations 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,

D. Michelle Case
Assistant Attorney General
Open Records Division

DMC/jlbn

Ref: ID# 819426

Enc. Submitted documents

c: Requestor
(w/o enclosures)

