



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

August 21, 2020

Mr. Rodrigo J. Figueroa  
Counsel for the Alamo Trust, Inc.  
Dykema Gossett, P.L.L.C.  
112 East Pecan Street, Suite 1800  
San Antonio, Texas 78205

OR2020-21036

Dear Mr. Figueroa:

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# 844325.

The Alamo Trust, Inc. ("ATI"), which you represent, received a request for Alamo Rangers reports and activities during a specified time period.<sup>1</sup> You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This section encompasses information that is made confidential by other statutes, such as sections 418.176 through 418.182 of the Government Code, which were added to chapter 418 of the Government Code as part of the Texas Homeland Security Act (the "HSA"). Section 418.176(a) provides:

Information is confidential if the information is collected, assembled, or maintained by or for a governmental entity for the purpose of preventing, detecting, responding to, or investigating an act of terrorism or related criminal activity and

(1) relates to staffing requirements of an emergency response provider, including law enforcement agency, a fire-fighting agency, or an emergency services agency;

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<sup>1</sup> We note, and you acknowledge, ATI is a governmental body pursuant to section 552.003(1)(A)(xiv) of the Government Code. *See* Gov't Code § 552.003(1)(A)(xiv) (providing entity receiving public funds in current or preceding state fiscal year to manage daily operations or restoration of Alamo or an entity overseeing such an entity is a governmental body)

(2) relates to a tactical plan of the provider; or

(3) consists of a list or compilation of pager or telephone numbers, including mobile and cellular telephone numbers, of the provider.

*Id.* § 418.176(a). Section 418.177 provides that information is confidential if it:

(1) is collected, assembled, or maintained by or for a governmental entity for the purpose of preventing, detecting, or investigating an act of terrorism or related criminal activity; and

(2) relates to an assessment by or for a governmental entity, or an assessment that is maintained by a governmental entity, of the risk or vulnerability of persons or property, including critical infrastructure, to an act of terrorism or related criminal activity.

*Id.* § 418.177. Section 418.182 provides, in pertinent part:

(a) Except as provided by Subsections (b) and (c), information, including access codes and passwords, in the possession of a governmental entity that relates to the specifications, operating procedures, or location of a security system used to protect public or private property from an act of terrorism or related criminal activity is confidential.

*Id.* § 418.182(a). The fact that information may generally relate to a governmental body's security concerns does not make the information *per se* confidential under the provisions of the HSA. *See* Open Records Decision No. 649 at 3 (1996) (language of confidentiality provisions controls scope of its protection). Furthermore, the mere recitation by a governmental body of a statute's key terms is not sufficient to demonstrate the applicability of a claimed provision. As with any confidentiality statute, a governmental body asserting this section must adequately explain how the responsive information falls within the scope of the provision. *See* Gov't Code § 552.301(e)(1)(A) (governmental body must explain how claimed exception to disclosure applies).

You claim the submitted information is confidential under sections 418.176, 418.177, and 418.182 of the Governmental Code. You state the submitted information consists of security logs of the Alamo Rangers, who are charged with guarding the Alamo grounds and "effectively function as [t]he Alamo's security system." You assert release of the submitted information would reveal "the number of Alamo Rangers who patrol [t]he Alamo grounds and the time such Alamo Rangers patrol certain areas of [t]he Alamo grounds; the location of the security cameras located throughout [t]he Alamo grounds; the exact time alarms are re-set and the amount of time the alarms are off-line; the exact time the Alamo Rangers escort ATI's CEO to his car; the exact time certain areas of [t]he Alamo were left unsecured; and the exact times areas of [t]he Alamo grounds are surveilled by the Alamo Rangers." You represent the submitted information was collected, assembled, and is maintained for the purpose of preventing, detecting and investigating criminal activity on the Alamo grounds and release would "provide individuals with nefarious intent a detailed assessment

of [t]he Alamo's security system, including the vulnerabilities of such system." Upon review, we find some of the submitted information relates to either (1) the staffing requirements or tactical plan of a law enforcement agency and is maintained by or for a governmental entity for the purpose of preventing, detecting, responding to, or investigating an act of terrorism or related criminal activity or (2) the specifications, operating procedures, or location of a security system used to protect public or private property from an act of terrorism or related criminal activity. Accordingly, with the exception of the information we marked, ATI may withhold the submitted information under section 552.101 of the Government Code in conjunction with sections 418.176 and 418.182 of the Government Code. However, we find you have failed to demonstrate the remaining information, which we marked, is subject to sections 418.176, 418.177, or 418.182 of the Government Code and it may not be withheld on that basis.

Section 552.130 of the Government Code excepts from disclosure information that relates to a motor vehicle operator's license or driver's license or a motor vehicle title or registration issued by a Texas agency, or an agency of another state or country.<sup>2</sup> *See id.* § 552.130(a)(1)-(2). Upon review, we find ATI must withhold the motor vehicle record information we marked under section 552.130 of the Government Code.

In summary, with the exception of the information we marked, ATI may withhold the submitted information under section 552.101 of the Government Code in conjunction with sections 418.176 and 418.182 of the Government Code. ATI must withhold the information we marked under section 552.130 of the Government Code. ATI must release the information we marked for release.

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,

Jennifer Copeland  
Assistant Attorney General  
Open Records Division

JC/rm

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<sup>2</sup> The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body. *See* Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

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Enc. Submitted documents

c: Requestor  
(w/o enclosures)