



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 29, 2020

Ms. Cheryn L. Netz
Assistant General Counsel
Texas State Securities Board
P.O. Box 13167
Austin, Texas 78711-3167

OR2020-24372

Dear Ms. Netz:

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# 846167.

The Texas State Securities Board (the "board") received a request for certain employment records regarding the requestor's client, including the board's employee handbook, and transcripts of certain board meetings.¹ You state the board released some of the requested information to the requestor with redactions. You claim the submitted information is excepted from disclosure under section 552.139 of the Government Code. We have considered the claimed exception and reviewed the submitted information.

¹ You state, and provide documentation demonstrating, the board sought and received several clarifications of the information requested. *See* Gov't Code § 552.222(b) (governmental body may communicate with requestor for purposes of clarifying or narrowing request); *see also* *City of Dallas v. Abbott*, 304 S.W.3d 380, 387 (Tex. 2010) (holding that when governmental entity, acting in good faith, requests clarification or narrowing of unclear or overbroad request for public information, ten-day period to request attorney general ruling is measured from date request is clarified or narrowed). Additionally, you state the board sent the requestor a cost estimate of charges pursuant to section 552.2615 of the Government Code. *See* Gov't Code § 552.2615. The estimate of charges required the requestor to provide a deposit for payment of anticipated costs under section 552.263 of the Government Code. *See id.* § 552.263(a). You also state, in response to the cost estimate, the requestor narrowed the scope of the information requested. *See id.* § 552.222(b); *see also* *City of Dallas*, 304 S.W.3d at 387. You further state the board sent the requestor a second cost estimate of charges pursuant to section 552.2615, and the requestor accepted the cost estimate. *See* Gov't Code § 552.2615. You inform us the board received the required payment on July 15, 2020. *See id.* § 552.263(e) (if governmental body requires deposit or bond for anticipated costs pursuant to section 552.263, request for information is considered to have been received on date governmental body receives bond or deposit). Furthermore, you state the requestor again modified his request. *See id.* § 552.222(b); *see also* *City of Dallas*, 304 S. W.3d at 387.

Section 552.139 of the Government Code provides, in relevant part, the following:

(b) The following is confidential:

. . .

(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(b)(4). You claim the submitted information is subject to section 552.139(b)(4). You state the information at issue consists of communications that were "made to mitigate an actual, detected computer security incident . . . and to prevent computer security incidents . . . in the future." Based upon your representations and our review, we find the information at issue directly arises from the board's efforts to prevent, detect, investigate, or mitigate a computer security incident as contemplated by section 552.139(b). Accordingly, the board must withhold the submitted information under section 552.139(b) of the Government Code.

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/rm

Ref: ID# 846167

Enc. Submitted documents

c: Requestor