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ATTORNEY GENERAL OF TEXAS

December 11, 2020

Mr. John Wilder
Counsel for the Forney Independent School District
Walsh Gallegos Trevino Russo & Kyle P.C.
P.O. Box 2156
Austin, Texas 78768

OR2020-31105

Dear Mr. Wilder:

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# 857523.

The Forney Independent School District (the "district"), which you represent, received a request for specified video recordings.¹ 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 representative sample of information.² We have also received and considered comments from the requestor. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released).

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. This exception encompasses section 418.182 of the Texas Homeland Security Act (the "HSA"), chapter 418 of the Government Code. Section 418.182(a) provides,

¹ We note the requestor asserts the city did not comply with section 552.301 of the Government Code in requesting a ruling from this office. *See* Gov't Code § 552.301(d). Nonetheless, because section 552.101 of the Government Code can provide a compelling reason to overcome the presumption of openness, we will consider the submitted arguments. *See id.* §§ 552.007, .302, .352

² 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.

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 be related to a security system does not make such information *per se* confidential under section 418.182. *See* Open Records Decision No. 649 at 3 (1996) (language of confidentiality provision 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 exception to disclosure, a governmental body asserting section 418.182 must adequately explain how the responsive records fall within the scope of the statute. *See* Gov't Code § 552.301(e)(1)(A) (governmental body must explain how claimed exception to disclosure applies).

You argue the submitted information is confidential under section 418.182 of the Government Code. You explain the information at issue consists of video recordings from security cameras located within a district school bus which are part of a security system used to protect public property from an act of terrorism or related criminal activity. You state release of the information at issue would enable a viewer to determine the location, coverage, specifications, and use of the security cameras at issue. Thus, you argue the district's security would be impacted if the submitted information were released. Based on these representations and our review of the information at issue, we conclude you have demonstrated some of the information at issue falls within the scope of section 418.182(a). Accordingly, the district must withhold the information we indicated under section 552.101 of the Government Code in conjunction with section 418.182(a) of the Government Code. However, we find you have not demonstrated the remaining information relates to the specifications, operating procedures, or location of a security system used to protect public or private property from terrorism or related criminal activity. Therefore, the district may not withhold the remaining information under section 552.101 of the Government Code in conjunction with section 418.182 of the Government Code.

Section 552.130 of the Government Code provides information relating to a motor vehicle operator's license, driver's license, motor vehicle title or registration, or personal identification document issued by an agency of this state or another state or country is excepted from public release.³ *See id.* § 552.130. Accordingly, the district must withhold the visible license plates in the remaining video recording under section 552.130 of the Government Code.

In summary, the district must withhold the information we indicated under section 552.101 of the Government Code in conjunction with section 418.182(a) of the Government Code. The district must withhold the visible license plates in the remaining video recording under

³ The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body, but ordinarily will not raise other exceptions. *See* Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

section 552.130 of the Government Code. The district 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,

Sean McCormick
Assistant Attorney General
Open Records Division

SMC/rm

Ref: ID# 857523

Enc. Submitted documents

c: Requestor
(w/o enclosures)