



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

January 13, 2022

Mr. Montgomery Meitler
Senior Counsel
Texas Education Agency
1701 North Congress Avenue
Austin, Texas 78701-1494

OR2022-01244

Dear Mr. Meitler:

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# 925337 (TEA PIR# 50243).

The Texas Education Agency (the "agency") received a request for the number of cyber attacks or other cybersecurity incidents reported to the agency during specified years. You state the agency has released some information. You claim the submitted information is excepted from disclosure under section 552.139 of the Government Code. We have considered the exception you claim and reviewed the submitted representative sample of information.¹

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

- (a) Information is excepted from the requirements of Section 552.021 if it is information that relates to computer network security, to restricted information under 2059.055 [of the Government Code], or to the design, operation, or defense of a computer network.
- (b) The following information is confidential:

¹ 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.

(1) a computer network vulnerability report; [and]

(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[.]

Gov't Code § 552.139(a), (b)(1)-(2). The agency explains the submitted information consists of reports of cyber attacks or cybersecurity incidents that school districts are required to report to the agency pursuant to section 11.175 of the Education Code. *See* Educ. Code § 11.175(e) (school district's cybersecurity coordinator must report to the agency any cyber attack or other cybersecurity incident against district cyberinfrastructure that constitutes breach of system security). Based on these representations, we agree the agency must withhold the submitted information under section 552.139 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,

D. Michelle Case
Assistant Attorney General
Open Records Division

DMH/mo

Ref: ID# 925337

Enc. Submitted documents

c: Requestor
(w/o enclosures)