



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

January 18, 2022

Mr. Kevin Christiansen
Staff Attorney
Katy Independent School District
P.O. Box 159
Katy, Texas 77492-0159

OR2022-01375

Dear Mr. Christiansen:

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# 925373 (PIR# 21521).

The Katy Independent School District (the "district") received a request for a list of websites blocked on the district's internet and any written criteria used in the blocking of websites. You claim the submitted information is excepted from disclosure under sections 552.101, 552.136, and 552.139 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Initially, you state portions of Exhibit B are not responsive to the present request for information. This ruling does not address the public availability of any information that is not responsive to the request and the district is not required to release such information in response to the present request.

Section 552.139 provides, in relevant part, the following:

(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.

(b) The following is confidential:

(1) a computer network vulnerability report;

(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; [and]

...

(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(a), (b)(1)-(2), (4). Section 2059.055 of the Government Code provides, in relevant part, the following:

(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 governmental entity;

(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). You state the responsive information in Exhibit B consists of listing of websites blocked by the district's network filtering system. You argue release of this information would reveal the district's network vulnerabilities and "alternative websites that may be used in an attempt to insert malware into [the district's] office network." You further state Exhibit C relates "to [the district's] computer network security and the design operation and defense of a computer network" and its release would "reveal the process by which the filtering security standards of [the district] can be bypassed, granting access to potentially dangerous websites that can cause harm to [the district's] computer network and data." Based on these arguments and our review of the information, we find some of the information at issue relates to computer network security, and the design, operation, or defense of the district's computer network. Accordingly, the district must withhold the responsive information in Exhibit B and the information we have marked in Exhibit C under

section 552.139 of the Government Code.¹ However, you have not demonstrated the remaining information at issue relates to the district's computer network security, or to the design, operation, or defense of the district's computer network as contemplated in section 552.139(a). Further, you have not demonstrated the remaining information at issue consists of a computer network vulnerability report or assessment as contemplated by section 552.139(b). Accordingly, the district may not withhold the remaining responsive information under section 552.139 of the Government Code.

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 section encompasses information protected by other statutes, such as section 418.182 of the Government Code, which was added to chapter 418 of the Government Code as part of the Texas Homeland Security Act. Section 418.182 provides in part:

(a) [I]nformation . . . 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 information may generally be related to a security system does not make the 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 confidentiality provision, a governmental body asserting section 418.182 must adequately explain how the responsive information falls 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 state the remaining responsive information relates to the district's security system. However, we find you failed to demonstrate the remaining information at issue 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. Accordingly, the district may not withhold the remaining responsive information under section 552.101 of the Government Code in conjunction with section 418.182 of the Government Code.

In summary, the district must withhold the responsive information in Exhibit B and the information we have marked in Exhibit C under section 552.139 of the Government Code. The district must release the remaining responsive 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.

¹ As our ruling is dispositive, we need not address your remaining arguments against disclosure of this information.

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,

Tim Neal
Assistant Attorney General
Open Records Division

TN/jxd

Ref: ID# 925373

Enc. Submitted documents

c: Requestor
(w/o enclosures)