



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

February 2, 2022

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

OR2022-03236

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# 929607 (PIR #21567).

The Katy Independent School District (the "district") received a request for a specified grant application. You claim some of 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. Section 552.101 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 Homeland Security Act (the "HSA"). Section 418.182 provides, in part, as follows:

(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 be related to a security system does not make the information *per se* confidential under the HSA. *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 one of the confidentiality provisions of the HSA must adequately explain how the responsive information falls within the scope of the claimed provision. *See* Gov't Code § 552.301(e)(1)(A) (governmental body must explain how claimed exception to disclosure applies).

You state the information you indicated relates to a security system. You explain the purpose of the security system at issue is "to protect public property, students[,] and staff from terroristic or related criminal activity[.]" You inform us the information at issue "relates to specifications and . . . location of a security system or lack of security devices in a certain area of [district] campuses." You state release of the information at issue "poses a substantial security threat to the [d]istrict . . . as this [information] could be used to gain entrance to the specified high schools for terroristic purposes." Based upon your representations and our review of the information, we conclude the information you indicated is related to the specifications, operating procedures, or location of a security system used to protect public property from an act of terrorism or related criminal activity. Accordingly, the district must withhold the information you indicated under section 552.101 of the Government Code in conjunction with section 418.182(a) 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,

Kimbell Kesling
Assistant Attorney General
Open Records Division

KK/ba

Ref: ID# 929607

Enc. Submitted documents

c: Requestor
(w/o enclosures)