



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

June 22, 2022

Ms. Hannah Bell
Assistant Criminal District Attorney
Tarrant County
401 West Belknap, 9th Floor
Fort Worth, Texas 76196

OR2022-17799

Dear Ms. Bell:

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# 955188.

The Tarrant County District Attorney's Office (the "district attorney's office") received a request for certain e-mail communications. 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 information.

Section 552.139 of the Government Code provides:

- (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 information is confidential:
 - (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). Section 2059.055 of the Government Code provides in pertinent part:

(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 state agency;
- (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 submitted information consists of communications pertaining to potential security concerns. You explain the information at issue “shows how the [county’s] [s]ecurity [t]eam responds to potential attacks and points out areas that are vulnerable to bad actors.” Upon review, we find some of the submitted information relates to computer network security or the design, operation, or defense of a computer network. Accordingly, the district attorney’s office must withhold the information we marked under section 552.139 of the Government Code. However, we find you have failed to demonstrate the remaining information at issue relates to computer network security, or to the design, operation, or defense of a computer network as contemplated by 552.139(a), consists of a network vulnerability report or assessment as contemplated by section 552.139(b), or relates to restricted information under 2059.055. Further, we find you have failed to demonstrate the information at issue relates to routine efforts to prevent, detect, investigate, or mitigate a computer security incident. Accordingly, section 552.139 is not applicable to the remaining information and the district attorney’s office may not withhold it on that basis. The district attorney’s office 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,

Jahna Ward
Assistant Attorney General
Open Records Division

JW/jxd

Ref: ID# 955188

Enc. Submitted documents

c: Requestor
(w/o enclosures)