



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

August 24, 2022

Dr. Melissa Kates  
General Counsel  
Grand Prairie Independent School District  
2602 South Beltline Road  
Grand Prairie, Texas 75052

OR2022-25562

Dear Dr. Kates:

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# 965721.

The Grand Prairie Independent School District (the "district") received two requests from the same requestor for information pertaining to district safety measures. You state you have released some information to the requestor. 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.<sup>1</sup>

Initially, we note some of the submitted information, a representative sample of which we marked, is not responsive because it does not pertain to the requested safety measures. 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 that information in response to the request.

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. This section encompasses information that is made confidential by other

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<sup>1</sup> 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.

statutes. You raise section 552.101 in conjunction with section 418.181 of the Homeland Security Act (the “HSA”). Sections 418.176 through 418.182 were added to chapter 418 of the Government Code as part of the HSA. Section 418.181 provides “[t]hose documents or portions of documents in the possession of a governmental entity are confidential if they identify the technical details of particular vulnerabilities of critical infrastructure to an act of terrorism.” *Id.* § 418.181. The fact that information may relate to a governmental body’s security measures 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 of a statute’s key terms is not sufficient to demonstrate the applicability of the claimed provision. As with any exception to disclosure, a claim under section 418.181 must be accompanied by an adequate explanation of how the responsive records fall 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 assert, and we agree, the district’s schools are critical infrastructure. *See generally id.* § 421.001 (defining “critical infrastructure” to include “all public or private assets, systems, and functions vital to the security, governance, public health and safety, economy, or morale of the state or the nation”). You explain the responsive information identifies the key details of a security audit and lists repairs to doors and locks throughout the district. You state the responsive information “shows all vulnerabilities on each of the [d]istrict properties listed.” Based on your representations and our review, we find you have demonstrated some of the information you marked identifies the technical details of particular vulnerabilities of the district’s schools to an act of crime or terrorism. Thus, with the exception of the types of information we marked, the information you marked must be withheld under section 552.101 of the Government Code in conjunction with section 418.181 of the Government Code.<sup>2</sup> However, we find you have failed to demonstrate the remaining responsive information, a representative sample of which we marked, identifies the technical details of particular vulnerabilities of critical infrastructure to an act of terrorism. Therefore, the district may not withhold any of the types of information we marked under section 552.101 of the Government Code in conjunction with section 418.181 of the Government Code.

Section 552.101 of the Government Code also encompasses information made confidential by other statutes, including section 37.108 of the Education Code. Section 37.108 provides, in part:

(b) At least once every three years, each school district or public junior college district shall conduct a safety and security audit of the district’s facilities. To the extent possible, a district shall follow safety and security audit procedures developed by the Texas School Safety Center or a comparable public or private entity.

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<sup>2</sup> As our ruling is dispositive, we need not address your remaining argument against disclosure of this information.

(c-1) Except as provided by Subsection (c-2), any document or information collected, developed, or produced during a safety and security audit conducted under Subsection (b) is not subject to disclosure under [the Act].

Educ. Code § 37.108(b), (c-1). You assert some of the remaining responsive information is confidential under section 37.108(c-1). *See id.* § 37.108(b). However, upon review, we find you have not demonstrated any of the remaining responsive information was developed, collected, or produced during a safety and security audit conducted under section 37.108(b). Accordingly, the district may not withhold any of the remaining responsive information under section 552.101 of the Government Code in conjunction with section 37.018(c-1) of the Education Code.

In summary, with the exception of the types of information we marked, which must be released, the district must withhold the information you marked under section 552.101 of the Government Code in conjunction with section 418.181 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.

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,

Joseph Hoggatt  
Assistant Attorney General  
Open Records Division

JWH/jm

Ref: ID# 965721

Enc. Submitted documents

c: Requestor  
(w/o enclosures)