



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

October 25, 2022

Mr. Mark C. Goulet
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Walsh, Gallegos, Treviño, Kyle & Robinson, P.C.
P.O. Box 2156
Austin, Texas 78768

OR2022-33010

Dear Mr. Goulet:

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# 979780.

The Dripping Springs Independent School District (the "district"), which you represent, received a request for all communications sent from a named individual to the district relating to a specified topic, any requests for certain information pertaining to a specified topic, and a specified district spending plan. You state the district does not have information responsive to portions of the present request.¹ 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 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. This section encompasses information made confidential by other statutes, including section 418.182 of the Texas Homeland Security Act (the "HSA"), chapter 418 of the Government Code. Section 418.182 provides, in pertinent part:

¹ The Act does not require a governmental body to release information that did not exist when it received a request, create responsive information, or obtain information that is not held by the governmental body or on its behalf. See *Economic Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.—San Antonio 1978, writ dismissed); Open Records Decision Nos. 605 at 2 (1992), 555 at 1 (1990), 452 at 3 (1986), 362 at 2 (1983).

(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 be related to a security system does not make such 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 exception to disclosure, a governmental body asserting section 418.182 must adequately explain how the responsive records fall 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 argue the submitted information is confidential under section 418.182 of the Government Code. You state the information at issue relates to the district’s security system, the release of which would reveal information pertaining to district “doors, door locks, locking systems, fencing and barrier systems, and security cameras.” You assert release of the information at issue would allow “an individual to ascertain the campus location and specifications and certain security equipment and devices at [the district] . . . includ[ing] specific breakdowns by campus.” Additionally, you assert release of the information at issue “would enable a viewer to determine the capabilities and use of” district security measures. Based on your representations and our review, we conclude you have demonstrated some of the information at issue, which we have marked, relates to the specifications, operating procedures, or location of a security system used to protect public or private property from terrorism or related criminal activity. Accordingly, the district must withhold the information we have marked under section 552.101 of the Government Code in conjunction with section 418.182 of the Government Code. However, we find you have failed to demonstrate the remaining information at issue is subject to section 418.182, and no portion of it may be withheld under section 552.101 on that basis. 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,

Blake Brennan
Assistant Attorney General
Open Records Division

BBX/pt

Ref: ID# 979780

Enc. Submitted documents

c: Requestor
(w/o enclosures)