



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

November 7, 2022

Mr. Tyler P. Ezell]  
Counsel for the Belton Independent School District  
Eichelbaum, Wardell, Hansen, Powell & Munoz, P.C.  
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Austin, Texas 78727

OR2022-34598

Dear Mr. Ezell:

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# 979336.

The Belton Independent School District (the "district"), which you represent, received a request for certain information sent by a named individual during a stated time period. You claim some of the submitted information is excepted from disclosure under sections 552.101 and 552.152 of the Government Code. We have considered the exceptions 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 section 418.176 of the Texas Homeland Security Act (the "HSA"), chapter 418 of the Government Code. Section 418.176 provides, in relevant part, as follows:

(a) Information is confidential if the information is collected, assembled, or maintained by or for a governmental entity for the purpose of preventing, detecting, responding to, or investigating an act of terrorism or related criminal activity and:

(1) relates to staffing requirements of an emergency response provider, including a law enforcement agency, a fire-fighting agency, or an emergency services agency [or]

(2) relates to a tactical plan of the provider[.]

*Id.* § 418.176(a)(1)-(2). The fact that information may generally be related to emergency preparedness does not make the information *per se* confidential under the provisions of the HSA. *See* Open Records Decision No. 649 at 3 (1996). 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 statute, a governmental body asserting section 418.176 must adequately explain how the responsive information falls within the scope of that provision. *See* Gov’t Code § 552.301(e)(1)(A) (governmental body must explain how claimed exception to disclosure applies).

We understand you to assert the information at issue pertains to the district’s staffing requirements and is “maintained for the purpose of preventing terrorism and related criminal activity targeting [district] campuses.” You explain release of the information at issue “could lead to the identification of vulnerabilities on the [district’s] campuses[.]” Upon review, we find you have demonstrated the information at issue relates to the district’s staffing requirements and is maintained for the purposes of preventing, detecting, responding to, or investigating an act of terrorism or related criminal activity. Therefore, we conclude the district must withhold the information you have marked under section 552.101 of the Government Code in conjunction with section 418.176 of the Government Code.<sup>1</sup> 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,

Alexandra C. Burks  
Assistant Attorney General  
Open Records Division

ACB/pt

Ref: ID# 979336

c: Requestor

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<sup>1</sup> As our ruling is dispositive, we need not address your remaining argument against disclosure of this information.