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ATTORNEY GENERAL OF TEXAS

December 6, 2022

Ms. Stephanie Ritchie
Counsel for the Fredericksburg Independent School District
Leon Alcalá
2901 Via Fortuna, Building 6, Suite 475
Austin, Texas 78746

OR2022-37718

Dear Ms. Ritchie:

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# 984367.

The Fredericksburg Independent School District (the "district"), which you represent, received a request for seven categories of information related to the district's online monitoring and internet content filtering services, including certain district policies, requests from law enforcement, and disclosures made to students or parents. 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.

Initially, we note the district has not submitted information responsive to all seven categories of information specified by the requestor. To the extent information responsive to the remaining portions of the request existed on the date the district received the request, we assume you have released it. *See* Open Records Decision No. 664 (2000) (if governmental body concludes no exceptions apply to requested information, it must release information as soon as possible). If you have not released any such information, you must do so at this time. *See* Gov't Code §§ 552.301(a), .302.

Section 552.139 of the Government Code provides, in relevant part:

- (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;

(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; [and]

...

(4) information directly arising from a governmental body's routine efforts to prevent, detect, investigate, or mitigate a computer security incident, including information contained in or derived from an information security log.

Id. § 552.139(a), (b)(1)-(2), (4). 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 governmental entity;

(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 assert the submitted information consists of cybersecurity lists, which are "integral components to the cybersecurity system of the [d]istrict[.]" and are used to "help safeguard computers and networks from potentially harmful threats or inappropriate material on local networks or across the internet." You state this data is maintained by the district "in order to prevent access to 'malware, advanced persistent threats, ransomware, [and to] protect sensitive material leaks.'" You also state the submitted information "originated from an assessment" that was made by or for the district related to "the vulnerability of a network to criminal activity." Based upon your representations and our review, we find section

552.139 is applicable to the submitted information. Accordingly, the district must withhold the submitted information under section 552.139 of the Government Code.

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,

Erin Groff
Assistant Attorney General
Open Records Division

EMG/mo

Ref: ID# 984367

Enc. Submitted documents

c: Requestor
(w/o enclosures)