



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

February 10, 2009

Mr. Miles K. Risley  
City Attorney  
City of Victoria  
P.O. Box 1758  
Victoria, Texas 77902

OR2009-01755

Dear Mr. Risley:

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# 334531.

The City of Victoria (the "city") received a request for the e-mail addresses of the personnel of the city's fire department and emergency medical services (collectively, the "department"). You claim the requested information is excepted from disclosure under sections 552.137 and 552.139 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.137 of the Government Code states that "an e-mail address of a member of the public that is provided for the purpose of communicating electronically with a governmental body is confidential and not subject to disclosure under [the Act]," unless the owner of the e-mail address has affirmatively consented to its public disclosure. Gov't Code § 552.137(a)-(b). Section 552.137 does not apply to a government employee's work e-mail address because such an address is not that of the employee as a "member of the public," but is instead the address of the individual as a government employee. The requestor seeks the department e-mail addresses for all department employees. Because the submitted

information consists of department e-mail addresses, they may not be withheld under section under section 552.137.

You also assert that the submitted e-mail addresses are excepted from public disclosure under section 552.139 of the Government Code, which provides as follows:

(a) Information is excepted from the requirements of Section 552.021 if it is information that relates to computer network security 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, or a computer program, network, system, 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 is vulnerable to alteration, damage, or erasure.

*Id.* § 552.139. You claim that release of the submitted e-mail addresses would subject the personnel of the department to spam. After reviewing the submitted information, we find that you have failed to demonstrate how any of the submitted e-mails relate to computer network security or to the design, operation, or defense of a computer network as contemplated in section 552.139(a). Furthermore, you have not demonstrated that the e-mail addresses consist of a computer network vulnerability assessment or report as contemplated in section 552.139(b). Accordingly, you may not withhold the submitted e-mail addresses under section 552.139. As you have raised no further exception to disclosure of this information, it must be released.

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 [http://www.oag.state.tx.us/open/index\\_orl.php](http://www.oag.state.tx.us/open/index_orl.php), or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public

information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,

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Olivia A. Maceo  
Assistant Attorney General  
Open Records Division

OM/eeg

Ref: ID# 334531

Enc. Submitted documents

c: Requestor  
(w/o enclosures)