



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 20, 2009

Ms. Rebecca H. Brewer
Abernathy Roeder Boyd & Joplin P.C.
P.O. Box 1210
McKinney, Texas 75070-1210

OR2009-05198

Dear Ms. Brewer:

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# 340434.

The City of Frisco (the "city"), which you represent, received two requests from the same requestor for lists of departmental e-mail addresses for all personnel of the Frisco Police Department and the Frisco Fire/EMS Department. You claim that the requested information is excepted from disclosure under section 552.139 of the Government Code. We have considered the exception you claim and reviewed the information you submitted.

Section 552.139 of the Government Code provides as follows:

- (a) Information is excepted from [required public disclosure] 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

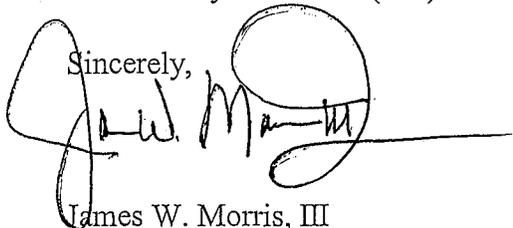
unauthorized access or harm, including an assessment of the extent to which the governmental body's or contractor's electronically stored information is vulnerable to alteration, damage, or erasure.

Gov't Code § 552.139. You contend that release of the submitted departmental e-mail addresses "would subject Frisco's network and/or system to possible unauthorized access, harm, alteration, damage or erasure." You have failed to explain, however, how the submitted e-mail addresses relate to computer network security or to the design, operation, or defense of a computer network, as contemplated by section 552.139(a). Likewise, you have not demonstrated that the submitted e-mail addresses consist of a computer network vulnerability assessment or report, as contemplated by section 552.139(b). We therefore conclude that the city may not withhold the submitted e-mail addresses under section 552.139 of the Government Code. As the city claims no other exceptions to disclosure, the submitted information 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, 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,

A handwritten signature in black ink, appearing to read "James W. Morris, III", with a long horizontal line extending to the right.

James W. Morris, III
Assistant Attorney General
Open Records Division

JWM/cc

Ref: ID# 340434

Enc: Submitted documents

c: Requestor
(w/o enclosures)