



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

July 2, 2009

Ms. Griselda Sanchez  
Assistant City Attorney  
City of San Antonio  
9800 Airport Boulevard  
San Antonio, Texas 78216

OR2009-09150

Dear Ms. Sanchez:

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# 346131.

The City of San Antonio (the "city") received a request for all emergency response plans, policies, and procedures that the city maintains for any airplane crash response. You claim that the requested information is excepted from disclosure under sections 552.101 and 552.108 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

You raise section 552.101 in conjunction with certain provisions of the Texas Homeland Security Act. Specifically, you claim that the submitted information is subject to section 418.176 of the Government Code. Sections 418.176 through 418.182 were added to chapter 418 of the Government Code as part of the Texas Homeland Security Act. These provisions make certain information related to terrorism confidential. In relevant part, section 418.176 provides:

- (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 law enforcement agency, a fire-fighting agency, or an emergency services agency; [or]

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

(3) consists of a list or compilation of pager or telephone numbers, including mobile and cellular telephone numbers of the provider[.]

Gov't Code § 418.176(a). The fact that information may relate to a governmental body's security concerns or emergency management activities does not make the information *per se* confidential under the Texas Homeland Security Act. *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 one of the confidentiality provisions of the Texas Homeland Security Act must adequately explain how the responsive records fall within the scope of the claimed provision. *See* Gov't Code § 552.301(e)(1)(A) (governmental body must explain how claimed exception to disclosure applies).

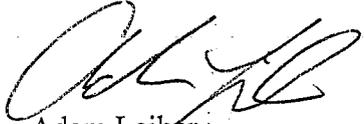
You explain that the submitted information was assembled and is used for the purpose of responding to aircraft incident emergencies, including aircraft incidents caused by terrorist acts. You state that the records contain staffing requirements as well as the tactical plans of the city's Fire Department, Airport Police, and Airport Operations Division. You also state that the submitted records contain several lists of telephone and cellular numbers for various city employers and other governmental agencies. Upon review of your arguments and the submitted information, we find you have demonstrated that the entirety of the submitted information is maintained for the purpose of responding to an act of terrorism or related criminal activity for purposes of section 418.176. *See id.* § 418.176. As such, the city must withhold the submitted information in its entirety pursuant to section 552.101 of the Government Code in conjunction with section 418.176 of the Government Code. As our ruling is dispositive, we need not address your remaining arguments against disclosure.

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,



Adam Leiber  
Assistant Attorney General  
Open Records Division

ACL/eeg

Ref: ID# 346131

Enc. Submitted documents

c: Requestor  
(w/o enclosures)