



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 16, 2009

Ms. Jenny Gravley
Taylor Olson Adkins Sralla Elam L.L.P.
6000 Western Place, Suite 200
Fort Worth, Texas 76107-4654

OR2009-16227

Dear Ms. Gravley:

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# 361634.

The City of Southlake (the "city"), which you represent, received a request for the blueprints and construction drawings of Southlake Town Hall (the "town hall"). You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception 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. This section encompasses information protected by other statutes. As part of the Texas Homeland Security Act, sections 418.176 through 418.182 were added to chapter 418 of the Government Code. These provisions make certain information related to terrorism confidential. Section 418.181 provides:

Those documents or portions of documents in the possession of a governmental entity are confidential if they identify the technical details of particular vulnerabilities of critical infrastructure to an act of terrorism.

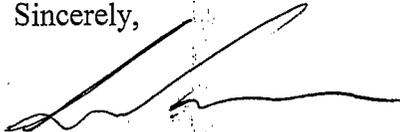
Id. § 418.181. The fact that information may relate to a governmental body's security measures does not make the information *per se* confidential under the Homeland Security Act. *See* Open Records Decision No. 649 at 3 (1996) (language of confidentiality provision controls scope of its protection). Furthermore, the mere recitation of a statute's key terms is not sufficient to demonstrate the applicability of the claimed provision. As with any exception to disclosure, a claim under section 418.181 must be accompanied by an adequate explanation of 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 contend the submitted information, which consists of blueprints and drawings of the town hall, is confidential under section 418.181 of the Government Code. You state several key city departments are located in the town hall; including the city manager's office, the finance department, the city secretary's office, the municipal court, the planning department, and several Tarrant County offices including the district clerk's passport and public health divisions. You assert the town hall building is central to the governance of the city. We agree the town hall is a critical infrastructure. *See id.* § 421.001 (defining "critical infrastructure" to include all public or private assets, systems, and functions vital to security, governance, public health and safety, economy, or morale of state or nation). You further state the submitted information details particular vulnerabilities of the town hall to a terrorist attack and that release of this information would compromise the security of the building. In support of this argument, you assert "the [submitted information] reveal[s] the technical aspects necessary to ascertain the entrances, egresses, construction, layout, design, strengths, and potential weaknesses of [t]own [h]all" and "would allow terrorists to pinpoint the vulnerable aspects of [t]own [h]all, thereby making it easier to bypass building security in to [sic] areas with restricted access[.]" Finally, you state the submitted information could be used to "efficiently damage or bring down the building" and its release "would allow a potential terrorist to tailor an explosive device . . . to act on a specific, vulnerable element of the building." After reviewing your arguments and the information at issue, we conclude the city has adequately explained how the submitted information falls within the scope of section 418.181 of the Government Code. Therefore, the submitted blueprints and drawings must be withheld from disclosure under section 552.101 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 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, toll free, at (888) 672-6787.

Sincerely,



Ana Carolina Vieira
Assistant Attorney General
Open Records Division

ACV/eeg

Ref: ID# 361634

Enc. Submitted documents

c: Requestor
(w/o enclosures)