



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

July 6, 2010

Ms. Cheryl T. Mehl  
Schwartz & Eichelbaum  
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Attorneys for Birdville Independent School District  
4201 West Parmer Lane, Suite A-100  
Austin, Texas 78727

OR2010-09921

Dear Ms. Mehl:

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# 388662.

The Birdville Independent School District (the "district"), which you represent, received a request for the blueprints of the facilities that make up Birdville High School's (the "high school's") athletic area. You claim that 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 representative sample of information.<sup>1</sup>

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:

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<sup>1</sup>We assume the representative samples of records submitted to this office are truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and, therefore, does not authorize the withholding of, any other requested records to the extent those records contain substantially different types of information than that submitted to this office.

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 related documents pertaining to the layout of the high school's athletic area, is confidential under section 418.181 of the Government Code. You assert, and we agree, that the high school's athletic area is part of the district's 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 state the submitted information details particular vulnerabilities of the high school's athletic area to a terrorist attack, and that release of this information would compromise the athletic area's security. In support of this argument, you claim that "the [submitted information] show[s] vulnerabilities of the school plant based on the location of fire alarms, sprinklers, electrical outlets, entrances, dimensions of walls, and switch boxes[.]" and that with the submitted information, "a terrorist . . . would know . . . exactly where to hide weapons or ammunition, how best to position oneself for clear shots, and what entrance/exit routes would be least likely to arouse suspicion." Finally, you inform us the submitted information could be used to "provide potential killers with the outline of their attack." After reviewing your arguments and the information at issue, we conclude the district has adequately explained how the submitted information falls within the scope of section 418.181 of the Government Code. Therefore, the submitted information must be withheld from disclosure under section 552.101 of the Government Code.<sup>2</sup>

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

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<sup>2</sup>As our ruling is dispositive, we do not address your remaining claim against disclosure.

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, toll free, at (888) 672-6787.

Sincerely,



James McGuire  
Assistant Attorney General  
Open Records Division

JM/dls

Ref: ID# 388662

Enc. Submitted documents

c: Requestor  
(w/o enclosures)