



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 7, 2012

Mr. David Brown
Assistant General Counsel
Texas Department of Information Resources
P.O. Box 13564
Austin, Texas 78711-3564

OR2012-06682

Dear Mr. Brown:

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# 452799.

The Texas Department of Information Resources (the "department") received a request for Information Resources Deployment Reviews submitted in a specified time frame for the Texas Health and Human Services Commission ("HHSC") and the Texas Department of Aging and Disability Services ("DADS"). You state the department will release some of the requested information. You claim some of the submitted information is excepted from disclosure under section 552.139 of the Government Code. Additionally, you inform us you have notified HHSC and DADS of the request for information and of their rights to submit comments to this office why their submitted information should not be released. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released). We have considered the exception you claim and reviewed the submitted information. We have also received and considered comments from HHSC.¹

Section 552.139 of the Government Code provides, in pertinent part:

¹As of the date of this letter, this office has not received comments from DADS explaining why any of the submitted information should not be released.

(a) Information is excepted from [required public disclosure] if it is information that relates to computer network security, to restricted information under [s]ection 2059.055 [of the Government Code], 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, a computer program, network, system, or system interface, 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 containing sensitive or critical information is vulnerable to alteration, damage, erasure, or inappropriate use[.]

Id. § 552.139(a), (b)(1)-(2). Section 2059.055 of the Government Code provides in pertinent part:

(b) Network security information is confidential under this section if the information is:

(1) related to passwords, personal identification numbers, access codes, encryption, or other components of the security system of a state agency;

(2) collected, assembled, or maintained by or for a governmental entity to prevent, detect, or investigate criminal activity; or

(3) related to an assessment, made by or for a governmental entity or maintained by a governmental entity, of the vulnerability of a network to criminal activity.

Gov't Code § 2059.055(b). You inform us the submitted information was disclosed to the department by HHSC and DADS. Section 2054.065 of the Government Code requires each state agency to complete a biennial review of the operational aspects of the agency's information resources deployment. *Id.* § 2054.0965. Further, section 2054.097 of the Government Code requires a state agency to send its information resources deployment review to the department. *Id.* § 2054.097. You argue release of HHSC's and DADS's levels of compliance with information security statutes, rules, and standards, and their plans for achieving compliance, may expose temporary vulnerabilities of agency computer networks.

You further argue release of the database inventory would identify known vulnerabilities of these agencies' hardware and software platforms, thereby enabling cyber-attacks on state systems. Thus, you contend release of the information at issue could allow persons with criminal or malicious intent to target weaknesses in operating systems or software versions and to gain inappropriate access to data. Based on your representations and our review, we find you have demonstrated the information you have marked relates to HHSC's and DADS's computer network security, defense of HHSC's and DADS's computer network, or an assessment of HHSC's and DADS's computer network vulnerabilities and consists of information restricted under section 2059.055 of the Government Code. Accordingly, the department must withhold the information you marked under section 552.139 of the Government Code. As no other exceptions to disclosure have been raised, the remaining 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, toll free at (888) 672-6787.

Sincerely,



Claire V. Morris Sloan
Assistant Attorney General
Open Records Division

CVMS/som

Ref: ID# 452799

Enc. Submitted documents

c: Requestor
(w/o enclosures)