



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 17, 2014

Ms. Angie A. Welborn
Senior Legal Counsel
State Auditor's Office
P.O. Box 12067
Austin, Texas 78711-2067

OR2014-06392

Dear Ms. Welborn:

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# 520158

The State Auditor's Office (the "SAO") received a request for the annual audit reports and periodic audit reports submitted to the SAO during a specified time period. You state the SAO has released some of the requested information. Although you take no position on whether the submitted information is excepted from disclosure, you state release of this information may implicate the interests of the Texas State University System ("TSU"), the University of Texas at Austin ("UT"), and the University of Texas M.D. Anderson Cancer Center ("M.D. Anderson"). Accordingly, you have notified these third parties of the request and of their rights to submit arguments to this office as to why the submitted information should not be released. *See* Gov't Code § 552.304 (providing that interested party may submit comments stating why information should or should not be released). We have received and considered comments from M.D. Anderson, UT, and TSU. We have reviewed the submitted information.

Section 552.139 of the Government Code provides:

(a) Information is excepted from [required public disclosure] if it is information that relates to computer network security, to restricted information under Section 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[.]

Gov't Code § 552.139. 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.

Id. § 2059.055(b). UT claims its information, and M.D. Anderson claims some of its information, relates to network security and consists of assessments of software and computer networks, systems, and programs, all of which, if released, would be vulnerable to unauthorized access or harm. Based on these representations and our review, we find M.D. Anderson and UT have demonstrated the applicability of section 552.139 to their information at issue; therefore, the SAO must withhold UT's information and the information M.D. Anderson has marked under section 552.139 of the Government Code.¹

TSU states its information consists of reports of audits conducted on computer network systems of a component institute of TSU. TSU further states the reports are assessments of TSU's computer network security and relate to the design, operation, or defense of TSU computer network systems. TSU asserts release of this information could compromise the security and integrity of the systems, potentially causing financial damage, disruption of

¹As our ruling is dispositive, we need not address the remaining arguments against disclosure of this information.

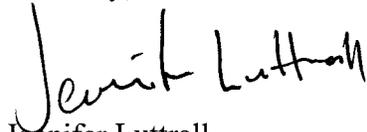
business and other operations and processes. Based on TSU's representations and our review, we find TSU has demonstrated the applicability of section 552.139 to its submitted information; therefore, the SAO must withhold TSU's information under section 552.139 of the Government Code.

In summary, the SAO must withhold the information M.D. Anderson has marked, UT's information, and TSU's information under section 552.139 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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Jennifer Luttrall
Assistant Attorney General
Open Records Division

JL/akg

Ref: ID# 520158

Enc. Submitted documents

c: Requestor
(w/o enclosures)

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