



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 11, 2014

Mr. Craig A. Magnuson
Attorney
City of Mansfield
1305 East Broad Street
Mansfield, Texas 76063

OR2014-11965

Dear Mr. Magnuson:

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# 528904.

The Mansfield Police Department (the "department") received two requests for information regarding the department's talkgroup numbers and radio frequencies. 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 that is made confidential by statute. As part of the Texas Homeland Security Act ("HSA"), section 418.176 through 418.182 were added to chapter 418 of the Government Code. These provisions make certain information related to terrorism confidential. You assert the submitted information is confidential under section 418.179(a) of the Government Code, which provides:

Information is confidential if the information:

(1) is collected, assembled, or maintained by or for a governmental entity for the purpose of preventing, detecting, or investigating an act of terrorism or related criminal activity; and

(2) relates to the details of the encryption codes or security keys for a public communications system.

Id. § 418.179. The fact that information may relate to a governmental body's security concerns does not make the information per se confidential under the HSA. *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 HSA 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).

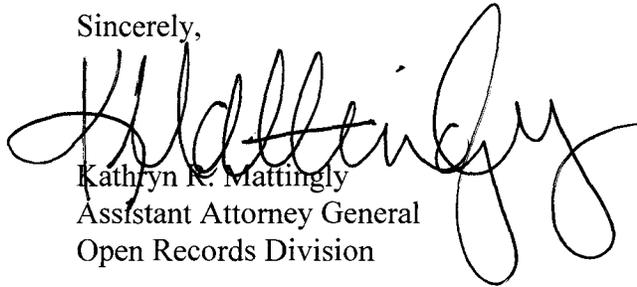
You state the submitted information consists of "encryption codes and security keys for the [City of Mansfield]'s public communications systems." You state the release of this information would hinder the department in "preventing, detecting or investigating criminal activity." Based on your representations and our review of the information at issue, we agree some of the submitted information relates to the details of encryption codes or security keys for a public communications system which we understand is collected, assembled, or maintained by the department for the purpose of preventing, detecting, or investigating an act of terrorism or related criminal activity. Therefore, the department must withhold the information we have marked under section 552.101 of the Government Code in conjunction with section 418.179 of the Government Code. However, we note the remaining information, which consists of radio frequencies, is publically available on the Internet. Additionally, we find you have not established how this information consists of encryption codes or security keys for a public communications system that is collected, assembled, or maintained by the department for the purpose of preventing, detecting, or investigating an act of terrorism or related criminal activity. Accordingly, none of the remaining information may be withheld under section 552.101 of the Government Code in conjunction with section 418.179 of the Government Code. As you raise no further exceptions to disclosure, the remaining 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.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,

A handwritten signature in black ink, appearing to read 'K. Mattingly', written over the typed name and title.

Kathryn R. Mattingly
Assistant Attorney General
Open Records Division

KRM/tch

Ref: ID# 528904

Enc. Submitted documents

c: Two Requestors
(w/o enclosures)