



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 1, 2014

Ms. Helen Johnson
Paralegal
North Texas Tollway Authority
P.O. Box 260729
Plano, Texas 75026

OR2014-13331

Dear Ms. Johnson:

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# 532023 (NTTA ID# 2014-00795).

The North Texas Tollway Authority (the "authority") received a request for information pertaining to invoicing, the contract with Southwest Credit Systems, and any changes made to the contract during a specified time period. You state the authority will release some of the requested information. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.139 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

We note the submitted information may have been the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2011-14185 (2011). In Open Records Letter No. 2011-14185, we determined the authority must withhold the submitted information under section 552.139 of the Government Code. We have no indication the law, facts, or circumstances on which the prior ruling was based have changed. Accordingly, to the extent the submitted information is identical to the information previously submitted and ruled on by this office, we conclude the authority must continue to rely on Open Records Letter No. 2011-14185 as a previous determination and withhold the information in accordance with that ruling. *See* Open Records Decision No. 673 at 6-7 (2001) (discussing criteria for first type of previous determination). To the extent the

submitted information is not subject to Open Records Letter No. 2011-14185, we will address the authority's arguments against release of the submitted information.

Section 552.139 of the Government Code provides, in part:

(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:

...

(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(a), (b)(2). You state the submitted information consists of the authority's policies regarding access to and security of the authority's computer network infrastructure. You inform us these policies detail ways the authority has determined security breaches and unnecessary losses can be prevented. You assert release of this information "would jeopardize [the authority's] entire system's network" and could provide access to network passwords and other sensitive information. Based on your representations and our review of the information, we find the submitted information relates to computer network security and the design, operation, or defense of a computer network. Accordingly, the authority must withhold the submitted information under section 552.139 of the Government Code.¹

In summary, to the extent the submitted information is identical to the information previously submitted and ruled on by this office, we conclude the authority must continue to rely on Open Records Letter No. 2011-14185 as a previous determination and withhold the information in accordance with that ruling. To the extent the submitted information is not subject to Open Records Letter No. 2011-14185, the authority must withhold the submitted information under section 552.139 of the Government Code.

¹As our ruling is dispositive, we need not address your remaining argument against disclosure.

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,



David L. Wheelus
Assistant Attorney General
Open Records Division

DLW/bhf

Ref: ID# 532023

Enc. Submitted documents

c: Requestor
(w/o enclosures)