



January 12, 2015

Mr. Clark Stockton Lord
Counsel for OST/Almeda Corridors Redevelopment Authority
Bracewell & Giuliani
711 Louisiana Street, Suite 2300
Houston, Texas 77002-2770

OR2015-00560

Dear Mr. Lord:

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# 551003.

The OST/Almeda Corridors Redevelopment Authority (the "authority"), which you represent, received a request for certain information relating to the Emancipation Park Redevelopment Project and Facility Upgrades (the "project"). The authority states it has released some of the requested information. The authority claims the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception the authority claims 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 made confidential by other statutes. Sections 418.176 through 418.182 were added to chapter 418 of the Government Code as part of the Texas Homeland Security Act (the "HSA"). Section 418.181 provides:

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 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 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 one of the confidentiality provisions of the HSA 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).

The authority contends, and we agree, the public buildings and facilities at issue in Emancipation Park are "critical infrastructure" for the purposes of section 418.181. *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). The authority seeks to withhold the submitted blueprints and construction drawings of the buildings and facilities for the project. The authority asserts the release of the submitted information would reveal points of structural weaknesses for possible attacks on this critical infrastructure. Based on the authority's representations and our review, we find the authority has demonstrated the information pertaining to existing buildings and facilities is confidential under section 418.181 of the Government Code. Accordingly, the authority must withhold the information pertaining to existing buildings and facilities under section 552.101 of the Government Code in conjunction with section 418.181 of the Government Code. However, the authority has not demonstrated the information pertaining to proposed buildings and facilities identifies the technical details of particular vulnerabilities of critical infrastructure to an act of terrorism. Therefore, we find the authority may not withhold any information pertaining to proposed buildings and facilities under section 552.101 of the Government Code in conjunction with section 418.181 of the Government Code. As the authority raises no further exceptions to disclosure, the authority must release the remaining information.

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# 551003

Enc. Submitted documents

c: Requestor
(w/o enclosures)