



February 24, 2015

Mr. Caleb Thornton
Assistant County Attorney
County of Montgomery
501 North Thompson, Suite 300
Conroe, Texas 77301

OR2015-03598

Dear Mr. Thornton:

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# 554731 (ORR File No. 14PIA0656).

The Montgomery County Sheriff's Office (the "sheriff's office") received a request for specified video recordings. You claim the submitted information is excepted from disclosure under sections 552.139 and 552.152 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.139(a) of the Government Code excepts from disclosure "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." Gov't Code § 552.139(a). Section 2059.055 of the Government Code provides in 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). Upon review, we find you have not demonstrated the submitted video recordings contain any information related to computer network security, or to the design, operation, or defense of a computer network for purposes of section 552.139(a). Accordingly, the sheriff's office may not withhold any portion of the submitted video recordings on that basis.

Section 552.152 of the Government Code provides:

Information in the custody of a governmental body that relates to an employee or officer of the governmental body is excepted from [required public disclosure] if, under the specific circumstances pertaining to the employee or officer, disclosure of the information would subject the employee or officer to a substantial threat of physical harm.

Id. § 552.152. Upon review, we find you have failed to demonstrate the release of the submitted video recordings would subject a sheriff's office employee or officer to a substantial threat of physical harm. Accordingly, the sheriff's office may not withhold any portion of the submitted video recordings under section 552.152 of the Government Code. As you raise no further exceptions to disclosure, the submitted video recordings 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,



Nicholas A. Ybarra
Assistant Attorney General
Open Records Division

NAY/cbz

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Enc. Submitted documents

c: Requestor
(w/o enclosures)