



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 17, 2015

Mr. Chad J. Lersch
Assistant General Counsel
Texas Department of Information Resources
P.O. Box 13564
Austin, Texas 78711-3564

OR2015-07479

Dear Mr. Lersch:

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# 560849 (DADS# 2015SOLEG0025, Texas Department of Banking ID# PIA-12-15-04, TEA ID# 23796, DIR ID# PIA-12-15-04, SMLID# PIC-12-15-04, SORM ID# PIA-12-15-04, TWC# 150218-025).

The Texas Department of Information Resources (the "department") received a request for the technology utilized by each agency of the State of Texas (the "state"). The department claims the submitted information is excepted from disclosure under sections 552.101 and 552.139 of the Government Code. Additionally, the department states release of this information may implicate the interests of third parties. Accordingly, the department states it notified these third parties of the request for information and of their rights to submit arguments to this office as to why the information at issue 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 comments from multiple third parties. We have considered the submitted arguments and reviewed the submitted representative sample of information.¹

Initially, we note some of the third parties seek to withhold information not submitted to this office by the department. By statute, this office may only rule on the public availability of

¹We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

information submitted by the governmental body requesting the ruling. *See* Gov't Code § 552.301(e)(1)(D) (governmental body requesting decision from Attorney General must submit copy of specific information requested). Because this information was not submitted by the department, this ruling does not address this information and is limited to the information submitted as responsive by the department.

Next, we note the Texas Department of Parks and Wildlife ("DPW") contacted the requestor, asserting its information was not responsive to the instant request. DPW submitted correspondence from the requestor agreeing DPW's information is not responsive to the instant request. This ruling does not address the public availability of any information that is not responsive to the request and the department is not required to release such information in response to this request.

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:

(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[.]

Id. § 552.139(a), (b)(1)–(2). 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). The department asserts the requested information reveals detailed network security information, real and perceived network vulnerabilities, and the defense of these vulnerabilities. The department further asserts release of the information at issue “would invite additional network attacks that . . . would result in compromised [information technology] security[.]” The department also provides an affidavit from the state’s Interim Chief Information Security Officer (the “ISO”). The ISO informs us it is his “responsibility to assure the security of all information systems and data maintained by the state.” The ISO states release of the information at issue “would compromise the integrity and security of agencies throughout the state, as that data identifies and describes the details of agency systems, including security systems.” Based on these representations and our review of the information, we conclude the department must withhold the requested information under section 552.139 of the Government Code.²

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,



Paige Thompson
Assistant Attorney General
Open Records Division

PT/dls

²As our ruling is dispositive, we need not address the remaining arguments against disclosure of the requested information.

Ref: ID# 560849

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Mr. Thomas H. Walston
General Counsel
State Office of
Administrative Hearings
P.O. Box 13025
Austin, Texas 78711-3025
(w/o enclosures)

Mr. Brett Norbraten
Open Records Attorney
Texas Department of Aging
and Disability Services
P.O. Box 149030
Austin, Texas 78714-9030
(w/o enclosures)

Ms. Jessica Escobar
Assistant General Counsel
Texas Department of Agriculture
P.O. Box 12847
Austin, Texas 78711
(w/o enclosures)

Mr. Scott Gibson
General Counsel
Texas Board of Architectural Examiners
P.O. Box 12337
Austin, Texas 78711
(w/o enclosures)

Ms. Sylvia Hardman-Dingle
General Counsel
Texas Department of
Assistive & Rehabilitative Services
MC-1419
4800 North Lamar Blvd., Suite 370
Austin, Texas 78756
(w/o enclosures)

Ms. Deborah H. Loomis
Deputy General Counsel
Texas Department of Banking
2601 North Lamar Boulevard
Austin, Texas 78705
(w/o enclosures)

Mr. Robert C. Kline
Executive Director
Texas Bond Review Board
P.O. Box 13292
Austin, Texas 78711-3292
(w/o enclosures)

Ms. Ruth H. Soucy
Deputy General Counsel for Open Records
Texas Comptroller of Public Accounts
P.O. Box 13528
Austin, Texas 78711-3528
(w/o enclosures)

Mr. Steve Smeltzer
Assistant General Counsel
Office of the General Counsel
Texas Dept. of Criminal Justice
P.O. Box 4004
Huntsville, Texas 77342-4004
(w/o enclosures)

Mr. Patrick Tyler
General Counsel
Commission on State
Emergency Communications
333 Guadalupe Street, Suite 2-212
Austin, Texas 78701
(w/o enclosures)

Ms. Leena Chaphekar
Assistant General Counsel
Employees Retirement System
of Texas
P.O. Box 13207
Austin, Texas 78711-3207
(w/o enclosures)

Ms. Lisa Calem-Lindström
Public Information Coordinator
Texas Facilities Commission
P.O. Box 13047
Austin, Texas 78711-3047
(w/o enclosures)

Ms. Jordan Hale
Public Information Coordinator
Assistant General Counsel
Office of the Governor
P.O. Box 12428
Austin, Texas 78711
(w/o enclosures)

Mr. W. Montgomery Meitler
Senior Counsel
Texas Education Agency
1701 North Congress Avenue
Austin, Texas 78701
(w/o enclosures)

Ms. Michelle Jordan
Executive Director
Texas Emergency Services
Retirement System
P.O. Box 12577
Austin, Texas 78711
(w/o enclosures)

Mr. David Timberger
Director - General Law Division
Texas Commission on
Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
(w/o enclosures)

Mr. Charles Horton
Executive Director
Texas Board of Professional Geoscientists
P.O. Box 13225
Austin, Texas 78711
(w/o enclosures)

Ms. Maureen Franz
Deputy Chief Counsel
Texas Health and Human Services Comm.
Mail Code 1070
P.O. Box 13247
Austin, Texas 78711
(w/o enclosures)

Mr. Chester S. Beattie, Jr.
Assistant General Counsel
Texas Higher Education
Coordinating Board
P.O. Box 12788
Austin, Texas 78711
(w/o enclosures)

Ms. Hadassah Schloss
Director of Open Government
Texas General Land Office
P.O. Box 12873
Austin, Texas 78711-2873
(w/o enclosures)

Mr. Brad Bowman
General Counsel
Texas Department of
Licensing and Regulation
P.O. Box 12157
Austin, Texas 78711-2157
(w/o enclosures)

Ms. Patricia M. Crawson
Chief Warrant Officer 2
PIA Coordinator
Texas Military Forces
P.O. Box 5218
Austin, Texas 78763-5218
(w/o enclosures)

Mr. James W. Johnston
General Counsel
Texas Board of Nursing
333 Guadalupe Street, Suite 3-460
Austin, Texas 78701
(w/o enclosures)

Mr. Bob Davis
Staff Attorney
Office of Agency Counsel
Legal Section MC 110-1C
Texas Department of Insurance
P.O. Box 149104
Austin, Texas 78714-9104
(w/o enclosures)

Mr. John P. Beauchamp
General Counsel
Texas Commission on Law Enforcement
6330 East Highway 290, Suite 200
Austin, Texas 78723-1035
(w/o enclosures)

Mr. Rob Blech
Assistant General Counsel
Texas Medical Board
P.O. Box 2018
Austin, Texas 78768-2018
(w/o enclosures)

Ms. Sally Jo Hahn
Associate General Counsel
Texas Department of Motor Vehicles
4000 Jackson Avenue
Austin, Texas 78731
(w/o enclosures)

Mr. F. C. Schneider
Associate General Counsel
Public Information Officer
Texas Department of Savings
& Mortgage Lending
2601 North Lamar, Suite 201
Austin, Texas 78705
(w/o enclosures)

Ms. Laura Russell
Attorney
Texas Parks & Wildlife Department
4200 Smith School Road
Austin, Texas 78744
(w/o enclosures)

Ms. Kristen Worman
Deputy General Counsel
Texas Real Estate Commission
P.O. Box 12188
Austin, Texas 78711-2188
(w/o enclosures)

Ms. Lindsey Wolf
General Counsel
Office of the Secretary of State
P.O. Box 12697
Austin, Texas 78711-2060
(w/o enclosures)

Ms. Tonya Baer
Public Counsel
Office of Public Utility Counsel
P.O. Box 12397
Austin, Texas 78711-2397
(w/o enclosures)

Mr. Chad Riley
Assistant General Counsel
Texas Veterans Commission
P.O. Box 12277
Austin, Texas 78711-2277
(w/o enclosures)

Mr. Robert N. Jones, Jr.
Assistant General Counsel
Texas Workforce Commission
101 East 15th Street
Austin, Texas 78778-0001
(w/o enclosures)

Mr. Scott A. Merchant
General Counsel
Texas State Board of
Examiners of Psychologists
333 Guadalupe, Suite 2-450
Austin, Texas 78701
(w/o enclosures)

Ms. Karen Klaus
Public Information Coordinator
State Office of Risk Management
P.O. Box 13777
Austin, Texas 78711-3777
(w/o enclosures)

Ms. Marlene K. Sparkman
General Counsel
Texas State Securities Board
P.O. Box 13167
Austin, Texas 78711-3167
(w/o enclosures)

Ms. Jessica Marsh
General Counsel
Office of Violent Sex Offender Management
Mail Code 4300
P.O. Box 149347
Austin, Texas 78714-9347
(w/o enclosures)

Mr. Les Trobman
General Counsel
Texas Water Development Board
P.O. Box 13231
Austin, Texas 78711-3231
(w/o enclosures)