



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

May 19, 2015

Mr. Jonathan Kaplan
Assistant City Attorney
City of San Antonio
P. O. Box 839966
San Antonio, Texas 78283-3966

OR2015-09627

Dear Mr. Kaplan:

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# 567630 (COSA File No. W072718-032915).

The City of San Antonio (the "city") received a request for a copy of any "AT&T Gap-Analysis Report(s) requested or contracted by [the Information Technology Services Department] ("ITSD") from 2009-2012", as well as any summaries prepared by ITSD concerning the results of any gap-analysis reports. You claim the submitted information is excepted from disclosure under section 552.139 of the Government Code.¹ We have considered the exception you claim and reviewed the submitted information.

Section 552.139 of the Government Code provides:

(a) Information is excepted from [required public disclosure] if it is information that relates to computer network security, to restricted

¹Although you raise section 552.101 of the Government Code in conjunction with section 552.139 of the Government Code, this office has concluded section 552.101 does not encompass other exceptions found in the Act. *See* Open Records Decision Nos. 676 at 1-2 (2002), 575 at 2 (1990). In addition, we note that although you also raised section 552.101 in conjunction with section 418.181 of the Government Code, you have not provided any arguments in support of the application of section 418.181 to the submitted information. Therefore, we assume you have withdrawn your claim this section applies to the submitted information. *See* Gov't Code §§ 552.301, .302.

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 pertinent 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). You inform us the city contracts for computer and network security audits in order to identify potential vulnerabilities and to maintain compliance with state, federal, and banking standards for protecting confidential information. You state AT&T Consulting ("AT&T") was hired to provide a gap assessment for Payment Card Industry Data Security Standards ("PCI DSS") on the city's cardholder environment to insure compliance with PCI DSS. You argue release of the submitted information, which consists of a PCI DSS gap analysis report prepared by AT&T for the city, would allow a person to see what vulnerabilities were found, allowing a person to exploit those vulnerabilities and gain access to information the city must protect. You additionally argue that release would reveal to potential credit card hackers and individuals wishing to commit identity theft what the

network system weaknesses are and would allow easier unauthorized access to the system to obtain this information. Thus, you assert the information you have submitted as Attachment II is excepted from disclosure under section 552.139. Based on your representations and our review, we find you have demonstrated the applicability of section 552.139 to the information you have submitted as Attachment II. Accordingly, the city must withhold the submitted information under section 552.139 of the Government Code.

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,



Michael A. Pearle
Assistant Attorney General
Open Records Division

MAP/eb

Ref: ID# 567630

Enc. Submitted documents

c: Requestor
(w/o enclosures)