



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

June 25, 2015

Ms. Sarah Parker  
Associate General Counsel  
Texas Department of Transportation  
125 East 11th Street  
Austin, Texas 78701-2483

OR2015-12592

Dear Ms. Parker:

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# 569439.

The Texas Department of Transportation ("TxDOT") received a request for information pertaining to the House Bill 2738 Legacy System Study. TxDOT states it does not have some of the requested information.<sup>1</sup> TxDOT claims the submitted information is excepted from disclosure under section 552.139 of the Government Code. We have considered the claimed exception and reviewed the submitted information.

Section 552.139 of the Government Code provides in relevant part the following:

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

---

<sup>1</sup>The Act does not require a governmental body to disclose information that did not exist when the request for information was received.

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)(1)-(2). You explain the submitted information was sent to the Texas Department of Information Resources ("DIR") to comply with DIR's request for information necessary to complete the Legacy Systems Study. TxDOT states this information "identifies TxDOT's inventory of computer and information technology applications [and] the servers on which the applications are located." TxDOT asserts release of this information would compromise network security and aid someone in planning an attack on its information technology systems. Based on these representations and our review of the information, we conclude TxDOT 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](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,



James L. Coggeshall  
Assistant Attorney General  
Open Records Division

JLC/cbz

Ref: ID# 569439

Enc. Submitted documents

c: Requestor  
(w/o enclosures)