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ATTORNEY GENERAL OF TEXAS

July 2, 2015

Mr. Robert Schell
Assistant Director General Counsel
North Texas Tollway Authority
P.O. Box 260729
Plano, Texas 75026

OR2015-13319

Dear Mr. Schell:

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# 569945 (NTTA File No. 2015-00645).

The North Texas Tollway Authority (the "authority") received a request for twenty categories of information pertaining to a specific request for proposals. The authority states it has released some of the submitted information to the requestor. The authority claims the remaining submitted information is excepted from disclosure under sections 552.101 and 552.139 of the Government Code.¹ We have considered the exceptions the authority claims and reviewed the submitted information.

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:

...

¹Although the authority also claims section 552.111 of the Government Code, it makes no argument under this exception. Thus, we do not address section 552.111. See Gov't Code §§ 552.301, .302.

(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[.]

Gov't Code § 552.139(a), (b)(2). The authority states the information it has indicated contains "the precise locations of [the authority's] fiber optic routing detail, to include but not limited to [the authority's] electrical rooms, radio equipment location of cabinet and filters, fiber transmission equipment, [and] transmit and receive modules and communication housing huts along various locations along [the authority's] facilities and clear call coverage areas." The authority further states this information "reflect[s] the location of its fiber optic cables which channels electronic data for its two-way radio communications and other secured data." Thus, the authority asserts disclosure of the information at issue could jeopardize its entire system's infrastructure. Based on the authority's representations and our review, we find the information at issue is confidential under section 552.139. Accordingly, the authority must withhold the information it has indicated under section 552.139 of the Government Code.²

Section 552.136 of the Government Code provides, "[n]otwithstanding any other provision of [the Act], a credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a governmental body is confidential." *Id.* § 552.136(b); *see id.* § 552.136(a) (defining "access device"). This office has determined insurance policy numbers are access device numbers for purposes of section 552.136. *See* Open Records Decision No. 684 at 9 (2009). Upon review, the authority must withhold the insurance policy numbers in the submitted information under section 552.136 of the Government Code.

In summary, the authority must withhold the information it has indicated under section 552.139 of the Government Code. The authority must withhold the insurance policy numbers in the submitted information under section 552.136 of the Government Code. 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.

²As our ruling is dispositive, we need not address your remaining argument against disclosure.

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,



Rahat Huq
Assistant Attorney General
Open Records Division

RSH/dls

Ref: ID# 569945

Enc. Submitted documents

c: Requestor
(w/o enclosures)