



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 10, 2015

Ms. Angie A. Welborn
Senior Legal Counsel
State Auditor's Office
P.O. Box 12067
Austin, Texas 78711-2067

OR2015-18879

Dear Ms. Welborn:

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# 578781.

The State Auditor's Office (the "SAO") received a request for all annual reports and reports of periodic audits submitted to the SAO over a specified period of time. Although you take no position with respect to the public availability of the requested information, you state release of this information may implicate the interests of the Health and Human Services Commission ("HHSC") and the University of Texas M.D. Anderson Cancer Center ("M.D. Anderson"). Accordingly, you have notified these third parties of the request and of their rights to submit arguments to this office as to why the submitted information 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 HHSC.¹ We have considered the submitted arguments 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 information under Section 2059.055 [of the Government Code], or to the design, operation, or defense of a computer network.

¹As of the date of this letter, we have not received comments from M.D. Anderson.

(b) The following information is confidential:

(1) a computer network vulnerability report; [and]

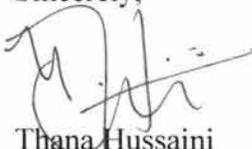
(2) any other assessment of the extent to which data processing operations, a computer, a computer program, network, system, or system interface, or software of a governmental body or of a contractor of a governmental body is vulnerable to unauthorized access or harm, including an assessment of the extent 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). HHSC states portions of the information at issue could be used to exploit weaknesses in the SAO's information technology infrastructure. Furthermore, HHSC states release of this information would pose a threat to computers, programs, and systems, as well as confidential client information maintained in the SAO's computer systems. Based on HHSC's representations and our review, we find HHSC has demonstrated the applicability of section 552.139 to the information at issue. Therefore, the SAO must withhold this information, which we have marked, under section 552.139 of the Government Code. As no other arguments against disclosure have been raised, the remaining information 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,



Thana Hussaini
Assistant Attorney General
Open Records Division

TSH/som

Ref: ID# 578781

Enc. Submitted documents

c: Requestor
(w/o enclosures)

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