



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

December 17, 2015

Mr. Michael VanderBurg  
General Counsel  
Legislative Budget Board  
P.O. Box 12666  
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OR2015-26590

Dear Mr. VanderBurg:

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# 591014.

The Legislative Budget Board (the "board") received a request for the 2016-17 Biennial Operating Plans submitted to the board from specified entities. Although the board takes no position on whether the submitted information is excepted from disclosure, you state its release may implicate the interests of certain governmental bodies. Accordingly, we understand you have notified these governmental bodies of the request pursuant to section 552.304 of the Government Code. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released). We have received comments from the Texas Military Department, the Texas Parks & Wildlife Department, the Texas Department of State Health Services, and the Texas Comptroller's Office of Public Accounts informing us they do not object to the release of their information. We have also received comments from the Texas Workforce Commission (the "TWC"), the Texas General Land Office (the "GLO"), and the Texas Department of Insurance (the "TDI") objecting to release of some of the submitted information. We have considered the submitted arguments 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:

(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[.]

Gov't Code § 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.

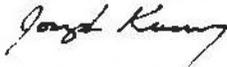
*Id.* § 2059.055(b). The GLO, the TDI, and the TWC contend portions of their information are protected under section 552.139 of the Government Code. The GLO states that releasing its specific information about security enhancement projects would leave the GLO's computer systems open to cyber attacks. The TDI states that releasing its information would provide malicious actors with information pertaining to unsupported systems in use by the TDI that are vulnerable to hacking due to their lack of active vendor support. The TWC states that releasing its information would invite network attacks that would result in compromised security. Based on these representations and our review of the information, we conclude the board must withhold the information we have marked under section 552.139

of the Government Code.<sup>1</sup> However, we find the GLO and the TDI have failed to demonstrate the applicability of section 552.139 to any portion of the remaining information they seek to withhold. Accordingly, the board may not withhold any portion of the remaining information under section 552.139 of the Government Code. As no other exceptions to disclosure have been raised, the board 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.

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,



Joseph Keeney  
Assistant Attorney General  
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JDK/akg

Ref: ID# 591014

Enc. Submitted documents

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<sup>1</sup>As our ruling is dispositive, we need not address the TWC's remaining argument against disclosure.

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