



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 20, 2016

Ms. Laurie Barker
Deputy Public Counsel
Office of Public Utility Counsel
P.O. Box 12397
Austin, Texas 78711-2397

OR2016-08923

Dear Ms. Barker:

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# 606753.

The Office of Public Utility Counsel (the "OPUC") received a request for (1) copies of the current contracts and specified information pertaining to all document imaging hardware and services, including specified devices; (2) information pertaining to the outsourcing of any print or copy services; (3) information pertaining to the current "Enterprise Document Management solution" being utilized by the OPUC for specified purposes; and (4) the name and contact information for the employee who evaluates new software and hardware for the OPUC. You state some information has been provided to the requestor. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.139 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. Section 552.101 encompasses information protected by other statutes. You assert the submitted information is excepted from disclosure under section 552.101 in conjunction with section 2059.055 of the Government Code as well as section 552.139 of the Government Code. We note section 552.139 encompasses restricted information made

confidential by section 2059.055. *Id.* § 552.139(a). Thus, we will address your arguments under these provisions together. 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[.]

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[.]

Id. § 2059.055(b)(1). You assert the submitted information “identif[ies] and describe[s] details of the [OPUC’s] computer network system, including detailed specifications, compatible platforms, data security, and serial numbers.” You further assert the submitted information “is part of the [OPUC’s] integrated information technology network” and release of the submitted information would jeopardize the safety and security of the OPUC’s computer systems, applications, and the data contained therein. Based on these representations and our review, we conclude the OPUC must withhold the information we have marked under section 552.139 of the Government Code. However, we find the OPUC has failed to demonstrate any of the remaining information relates to computer network security, to restricted information under section 2059.055, or to the design, operation, or defense of a computer network as contemplated in section 552.139(a). Further, we find the OPUC has failed to demonstrate any of the remaining information consists of a computer network vulnerability report or assessment as contemplated by section 552.139(b).

Consequently, the OPUC may not withhold any of the remaining information under section 552.139 of the Government Code or section 552.101 of the Government Code in conjunction with section 2059.055 of the Government Code. As you raise no further exceptions to disclosure, the OPUC 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, 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,

A handwritten signature in black ink, appearing to read 'Kenny Moreland', with a stylized flourish at the end.

Kenny Moreland
Assistant Attorney General
Open Records Division

KJM/dls

Ref: ID# 606753

Enc. Submitted documents

c: Requestor
(w/o enclosures)