



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 30, 2010

Ms. Camila Kunau
Assistant City Attorney
City of San Antonio
P.O. Box 839966
San Antonio, Texas 78283

OR2010-14920

Dear Ms. Kunau:

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# 395279 (COSA File No. 10-1110).

The City of San Antonio (the "city") received a request for information indicating when the graffiti cameras operated by the city's police department (the "department") were being monitored during a specified time period, including any logs, timesheets, or schedules that document when a volunteer or city worker was monitoring the cameras. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.108 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Initially, we note that a portion of the submitted information, which you have marked, is not responsive to the present request for information because it is not within the requested time period. Accordingly, this ruling will not address such non-responsive information and the city need not release it in response to this request.

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. This exception encompasses information that other statutes make confidential. You raise section 552.101 in conjunction with section 418.182 of the Government Code for the submitted information. This section was added to chapter 418 of

the Government Code as part of the Texas Homeland Security Act (the "THSA"). Section 418.182 provides in relevant part:

(a) Except as provided by Subsections (b) and (c), information, including access codes and passwords, in the possession of a governmental entity that relates to the specifications, operating procedures, or location of a security system used to protect public or private property from an act of terrorism or related criminal activity is confidential.

Id. §§ 418.182(a). The fact that information may generally be related to critical infrastructure or a security system does not make the information *per se* confidential under the provisions of the THSA. *See* Open Records Decision No. 649 at 3 (1996) (language of confidentiality provisions controls scope of its protection). As with any confidentiality statute, a governmental body asserting one of these sections must adequately explain how the responsive information falls within the scope of the provision. *See* Gov't Code § 552.301(e)(1)(A) (governmental body must explain how claimed exception to disclosure applies).

You explain that the department maintains and operates security cameras at "strategic locations within the [c]ity, the purpose of which is to prevent and detect criminal activities, including graffiti." You assert that the responsive submitted information concerns the operating procedures of a security system used to protect public or private property from an act of terrorism or related criminal activity. Upon review, we find you have demonstrated that the responsive submitted information relates to the operating procedures of a security system used to protect public or private property from an act of terrorism or related criminal activity. *See generally* *Tex. Dep't of Pub. Safety v. Abbott*, 310 S.W.3d 670 (Tex. App.—Austin 2010, no pet. h.) (case construing section 418.182 of the HSA, which ruled the recorded images necessarily relate to the specifications of the security system that recorded them). Accordingly, the city must withhold the responsive submitted information under section 552.101 of the Government Code in conjunction with section 418.182 of the Government Code.¹

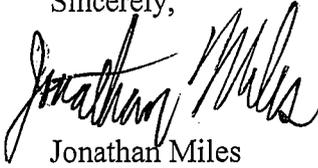
This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

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.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General's Open Government Hotline, toll free,

¹As our ruling is dispositive, we need not address your remaining argument for this information.

at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan Miles". The signature is written in a cursive style with some loops and flourishes.

Jonathan Miles
Assistant Attorney General
Open Records Division

JM/eeg

Ref: ID# 395279

Enc. Submitted documents

c: Requestor
(w/o enclosures)