



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 14, 2010

Ms. Sylvia F. Hardman
General Counsel
Texas Department of Assistive and Rehabilitative Services
4800 North Lamar Boulevard, Suite 300
Austin, Texas 78756

OR2010-15694

Dear Ms. Hardman:

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# 397603.

The Texas Department of Assistive and Rehabilitative Services (the "department") received a request for specified security plans and a security road map. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.139 of the Government Code. Additionally, pursuant to section 552.304, the department informs us that it has notified the Health and Human Services Commission ("HHSC") and the Department of Aging and Disability Services ("DADS") of the request. *See* Gov't Code § 552.304 (any person may submit written comments stating why information at issue in request for Attorney General ruling should or should not be released). The department has provided our office with arguments from HHSC and DADS. 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.

(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 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 is vulnerable to alteration, damage, erasure, or inappropriate use.

Id. § 552.139. 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;

(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 submitted information consists of HHSC's Security Roadmap (the "roadmap"). HHSC states the roadmap was developed to assess the effectiveness of security controls and protocols for HHSC. HHSC also explains the roadmap identifies potential weaknesses and includes "the status of actions to be taken to correct potential risks and specifically addresses any planned activities for correcting any identified weakness . . . and whether any potential risks have been remediated." HHSC argues the release of the roadmap may expose security weaknesses which could facilitate unauthorized access to confidential data and compromise agency security. Based on these arguments and our review of the information at issue, we find HHSC has demonstrated the submitted information consists of an assessment that was collected, assembled, or maintained by HHSC to prevent criminal activity regarding HHSC's computer network. Accordingly, the department must withhold the submitted information under section 552.139 of the Government Code.¹

¹As our ruling is dispositive, we need not address the remaining arguments against disclosure of the submitted 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.oag.state.tx.us/open/index_orl.php, 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 must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Amy L.S. Shipp
Assistant Attorney General
Open Records Division

ALS/tp

Ref: ID# 397603

Enc. Submitted documents

c: Requestor
(w/o enclosures)

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