



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 3, 2011

Mr. Mike Leasor
Attorney for Dublin Independent School District
Henslee Schwartz, LLP
306 West 7th Street, Suite 1045
Fort Worth, Texas 76102

OR2011-11200

Dear Mr. Leasor:

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# 426752.

The Dublin Independent School District (the "district"), which you represent, received a request for blueprints of two specified buildings, blueprints and WPA project numbers for three specified structures, and any architectural information regarding these structures. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the claimed exception and reviewed the submitted representative sample of information.¹ We have also received comments from the requestor. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released).

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." *Id.* § 552.101. This section encompasses information protected by other statutes. As part of the Texas Homeland Security Act, sections 418.176 through 418.182 were added to chapter 418

¹We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent those records contain substantially different types of information than that submitted to this office.

of the Government Code. These provisions make certain information related to terrorism confidential. Section 418.181 provides:

Those documents or portions of documents in the possession of a governmental entity are confidential if they identify the technical details of particular vulnerabilities of critical infrastructure to an act of terrorism.

Id. § 418.181. The fact that information may relate to a governmental body's security measures does not make the information per se confidential under the Homeland Security Act. *See* Open Records Decision No. 649 at 3 (1996) (language of confidentiality provision controls scope of its protection). Furthermore, the mere recitation of a statute's key terms is not sufficient to demonstrate the applicability of the claimed provision. As with any exception to disclosure, a claim under section 418.181 must be accompanied by an adequate explanation of how the responsive records fall within the scope of the claimed provision. *See* Gov't Code § 552.301(e)(1)(A) (governmental body must explain how claimed exception to disclosure applies).

You contend the submitted blueprints are confidential under section 418.181 of the Government Code. You assert the schools at issue are "essential in educating the public and safeguarding children," and "a critical part of local disaster planning, including their use as disaster shelters." We agree the schools at issue are critical infrastructure. *See id.* § 421.001 (defining "critical infrastructure" to include all public or private assets, systems, and functions vital to security, governance, public health and safety, economy, or morale of state or nation). You assert release of the submitted information would compromise the district's security measures and citizens' ability to rely on these measures in the event of a disaster or attack. In support of this argument, you state the blueprints "consist[] of detailed classroom and campus information" and "identif[y] . . . where certain security systems may be located." After reviewing your arguments and the information at issue, we conclude the submitted information identifies details of particular vulnerabilities of critical infrastructure to an act of terrorism. Therefore, the district must withhold the submitted blueprints under section 552.101 in conjunction with section 418.181 of the Government Code. As our ruling is dispositive, we do not address your remaining argument 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,

A handwritten signature in cursive script that reads "Misty Haberer Barham".

Misty Haberer Barham
Assistant Attorney General
Open Records Division

MHB/tf

Ref: ID # 726752

Enc. Submitted documents

c: Requestor
(w/o enclosures)