



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

September 30, 2011

Mr. Robert Schell  
Assistant Director General Counsel  
North Texas Tollway Authority  
5900 West Plano Parkway, Suite 100  
Plano, Texas 75093

OR2011-14185

Dear Mr. Schell:

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# 433115.

The North Texas Tollway Authority (the "authority") received a request for information relating to private businesses who have contracted with the agency, a specified contract with a named entity, information relating to the authority's annual revenues, and correspondence between the authority and any global positioning system companies. You state a portion of the specified contract has been released 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 claimed exceptions and reviewed the submitted information.

We first note you have not submitted any information responsive to the parts of the request seeking records concerning private businesses who have contracted with the authority, the authority's annual revenues, and correspondence with global positioning system companies. To the extent information responsive to these parts of the request existed on the date the authority received the request, we assume you have released it. *See* Open Records Decision No. 664 (2000) (if governmental body concludes that no exceptions apply to requested information, it must release information as soon as possible). If you have not released any such records, you must do so at this time. *See* Gov't Code §§ 552.301(a), .302.

You argue the submitted Information Security Policy is excepted from disclosure under section 552.139 of the Government Code, which provides in part:

(a) Information is excepted from the requirements of Section 552.021 if it is information that relates to computer network security, to restricted information under Section 2059.055, or to the design, operation, or defense of a computer network.

(b) The following information is confidential:

...

(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)(2). You state the submitted information consists of the authority's policies regarding access to and security of the authority's computer network infrastructure. You inform us these policies detail ways the authority has determined security breaches and unnecessary losses can be prevented. You assert release of this information "would jeopardize [the authority's] entire system's network" and could provide access to network passwords and other sensitive information. Based on your representations and our review of the information, we find the submitted information relates to computer network security and the design, operation, or defense of a computer network. Accordingly, the authority may withhold the submitted information under section 552.139 of the Government Code.<sup>1</sup>

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

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<sup>1</sup>Because our ruling is dispositive, we do not address your remaining argument against disclosure.

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/agn

Ref: ID # 433115

Enc. Submitted documents

c: Requestor  
(w/o enclosures)