



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

October 21, 2011

Ms. Erin A. Higginbotham  
For the Parkland Health and Hospital System  
Denton, Navarro, Rocha & Bernal, P.C.  
2500 West William Cannon, Suite 609  
Austin, Texas 78745

OR2011-15438

Dear Ms. Higginbotham:

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# 432382.

The Dallas County Hospital District d/b/a/ Parkland Health and Hospital System (the "district"), which you represent, received two requests from the same requestor for all audits performed by the district and by outside parties of "information technology services or contracts since 2005."<sup>1</sup> You state the district has released some information 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.

Initially, we note some of the submitted information, which we have indicated, is not responsive to the instant request because it consists of audits performed before 2005. The

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<sup>1</sup>We note the district sought and received clarification from the requestor regarding both requests. *See* Gov't Code § 552.222(b) (stating if information requested is unclear to governmental body or if large amount of information has been requested, governmental body may ask requestor to clarify or narrow request, but may not inquire into purpose for which information will be used); *see also City of Dallas v. Abbott*, 304 S.W.3d 380, 387 (Tex. 2010) (holding that when a governmental entity, acting in good faith, requests clarification or narrowing of an unclear or over-broad request for public information, the ten-day period to request an attorney general ruling is measured from the date the request is clarified or narrowed).

district need not release this nonresponsive information in response to this request, and this ruling will not address that 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 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 is vulnerable to alteration, damage, erasure, or inappropriate use[.]

Act of May 24, 2011, 82<sup>nd</sup> Leg., R.S., S.B. 1638, § 5 (to be codified at Gov't Code § 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). You assert the responsive reports identify vulnerabilities in the district's computer network. You further claim several of the reports (1) identify weaknesses in the system that would allow unauthorized users to gain access to confidential patient information, (2) highlight ways in which the integrity of electronically stored data could be

compromised, (3) include assessments made of the vulnerability of the district's network to criminal activity, and (4) identify issues that would make the district's network susceptible to hackers or prevent the district from detecting hackers trying to penetrate its system. Based on your representations and our review, we find you have demonstrated the responsive information relates to computer network security, the design, operation, or defense of the district's computer network, or an assessment of the district's computer network vulnerabilities. Accordingly, the district must withhold the responsive information under section 552.139 of the Government Code.<sup>2</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, 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,



Sean Nottingham  
Assistant Attorney General  
Open Records Division

SN/agn

Ref: ID# 432382

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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<sup>2</sup>As our ruling is dispositive, we need not address your remaining argument against disclosure.