



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

November 7, 2011

Mr. Cobby A. Caputo  
Bickerstaff Heath Delgado Acosta, L.L.P.  
3711 South MoPac Expressway  
Building One, Suite 300  
Austin, Texas 78746

OR2011-16302

Dear Mr. Caputo:

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# 435402.

Austin Community College (the "college"), which you represent, received a request for information regarding computer servers owned or leased by the college, including prices, invoice or receipt data, names, server physical properties, and owner's manual information.<sup>1</sup> You state you do not possess some of the requested information.<sup>2</sup> You state you are releasing some of the requested information to the requestor. You claim portions of the submitted information are excepted from disclosure under section 552.139 of the Government Code.

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<sup>1</sup>We note the requestor narrowed the scope of his request. See Gov't Code § 552.222(b) (governmental body may communicate with requestor for purpose of clarifying or narrowing request for information); see also *City of Dallas v. Abbott*, 304 S.W.3d 380 (Tex. 2010) (holding that when a governmental entity, acting in good faith, requests clarification or narrowing of an unclear or overbroad request for public information, the ten-day period to request an attorney general ruling is measured from the date the request is clarifying or narrowed).

<sup>2</sup>We note the Act does not require a governmental body to release information that did not exist when it received a request, create responsive information, or obtain information that is not held by the governmental body or on its behalf. See *Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.—San Antonio, 1978, writ dismissed).

We have considered the exception you claim and reviewed the submitted representative sample of information.<sup>3</sup>

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;

(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). You state the information you have marked relates to the college's computer network security, the design, operation, or defense of the college's computer network, or an assessment of the college's computer network vulnerabilities. You explain the release of the information at issue would reveal specific security risks and vulnerability issues relating to the college's network infrastructure. You indicate an attack on the college's computer network might reveal information protected by federal and state law. Based on your representations and our review, we find you have demonstrated the information you have marked relates to computer network security, defense of the college's computer network, or an assessment of the college's computer network vulnerabilities. Accordingly, the college must withhold the information you have marked under section 552.139 of the Government Code. As you raise no further arguments against disclosure, the remaining information must be released.

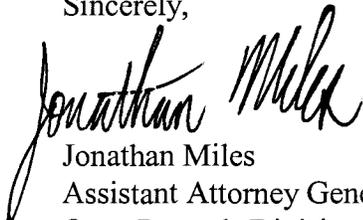
This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

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<sup>3</sup>We assume that the "representative sample" of information 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 that those records contain substantially different types of information than that submitted to this office.

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,

A handwritten signature in black ink that reads "Jonathan Miles". The signature is written in a cursive, flowing style.

Jonathan Miles  
Assistant Attorney General  
Open Records Division

JM/em

Ref: ID# 435402

Enc. Submitted documents

c: Requestor  
(w/o enclosures)