



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

February 28, 2012

Sergeant Rocky Bright
Custodian of Records
Ector County Sheriff's Office
P.O. Box 2066
Odessa, Texas 79760

OR2012-03061

Dear Sgt. Bright:

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# 447310.

The Ector County Sheriff's Office (the "sheriff's office") received a request for all e-mails sent from and received by the sheriff's county-owned e-mail account and all e-mails sent from and received by the sheriff's personal e-mail account pertaining to county or law enforcement business from January 1, 2009 to December 13, 2011. You state you have released most of the requested information to the requestor. You claim the submitted information is excepted from disclosure under sections 552.136 and 552.139 of the Government Code. We have considered the exceptions you claim and reviewed the submitted representative sample of information.¹

Section 552.139 provides in part:

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

¹We assume that 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 that those records contain substantially different types of information than that submitted to this office.

Gov't Code § 552.139(a). You explain the access code included in the submitted information allows the sheriff access to the Texas Department of Corrections system to perform official duties required of the sheriff. You argue the information relates to computer security and public release of such information would allow a breach of security or unauthorized access to the Texas Department of Corrections computer system. Based on this argument, we agree the user ID contained in the submitted information pertains to computer network security or the design, operation, or defense of a computer network for purposes of section 552.139(a). Therefore, the sheriff's office must withhold the information we have marked under section 552.139(a) of the Government Code.

Section 552.136 provides "[n]otwithstanding any other provision of this chapter, a credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a governmental body is confidential." *Id.* § 552.136(b). Upon review, we find no portion of the remaining information constitutes an access device number that may be withheld under section 552.136 of the Government Code. As you raise no further exceptions to 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.

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,



Jessica Marsh
Assistant Attorney General
Open Records Division

JM/em

Ref: ID# 447310

Enc. Submitted documents

c: Requestor
(w/o enclosures)