



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

March 6, 2012

Mr. Jimmy A. Cassels  
For Angelina County and Cities Health District  
Cassels & Reynolds, L.L.P.  
P.O. Box 1626  
Lufkin, Texas 75902-1626

OR2012-03349

Dear Mr. Cassels:

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# 448180.

The Angelina County and Cities Health District (the "district"), which you represent, received a request for specified video recordings from December 26 and 27, 2011. You claim the submitted video recordings are excepted from disclosure under sections 552.101, 552.130, and 552.139 of the Government Code. We have considered the exceptions you claim and reviewed the submitted representative samples of information.<sup>1</sup>

Initially, you assert the submitted video recordings are not responsive to the instant request for information. However, a governmental body must make a good-faith effort to relate a request to information that is within its possession or control. *See* Open Records Decision No. 561 at 8 (1990). In this case, as you have submitted information for our review and raised exceptions to disclosure of this information, we consider the district to have made a good-faith effort to identify the information that is responsive to the request, and we will address the applicability of the claimed exceptions to the submitted information.

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<sup>1</sup>We 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.

Section 552.101 of the Government Code excepts from disclosure “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.” Gov’t Code § 552.101. This exception encompasses information other statutes make confidential. You raise section 552.101 in conjunction with section 418.182 of the Government Code, which was added to chapter 418 of the Government Code as part of the Texas Homeland Security Act. Section 418.182 provides in part:

(a) Except as provided by Subsections (b) and (c), information, including access codes and passwords, in the possession of a governmental entity that relates to the specifications, operating procedures, or location of a security system used to protect public or private property from an act of terrorism or related criminal activity is confidential.

(b) Financial information in the possession of a governmental entity that relates to the expenditure of funds by a governmental entity for a security system is public information that is not excepted from required disclosure under Chapter 552.

*Id.* § 418.182(a), (b). The fact information may generally be related to a security system does not make the information *per se* confidential under section 418.182. *See* Open Records Decision No. 649 at 3 (1996) (language of confidentiality provision controls scope of its protection). Furthermore, the mere recitation by a governmental body of a statute’s key terms is not sufficient to demonstrate the applicability of a claimed provision. As with any confidentiality provision, a governmental body asserting section 418.182 must adequately explain how the responsive information falls within the scope of the statute. *See* Gov’t Code § 552.301(e)(1)(A) (governmental body must explain how claimed exception to disclosure applies).

You contend the submitted information is confidential under section 418.182. You explain this information relates to the workings, operation, capabilities, limitations and the location of a security system used to protect the district from acts of terrorism or related criminal activity. You contend public disclosure of the submitted information would reveal the type of security equipment the district utilizes, the number and location of the cameras, details of the cameras’ pixel and speed capabilities and their scope and purview in capturing images, and other characteristics of the district’s security and surveillance systems. Based on your representations and our review of this information, we conclude the district has demonstrated the submitted information falls within the scope of section 418.182(a). Accordingly, the district must withhold this information under section 552.101 of the Government Code in conjunction with section 418.182(a) of the Government Code.<sup>2</sup> *See generally* *Tex. Dep’t of Pub. Safety v. Abbott*, 310 S.W.3d 670 (Tex. App.—Austin 2010, no pet.) (finding

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

confidential under section 418.182 of the HSA video recording containing images recorded by security cameras in Texas Capitol hallway, because specifications of security system included cameras' capabilities and video recording demonstrated those capabilities through characteristics, quality, and clarity of images recorded).

You ask this office to issue a previous determination that would permit the district to withhold information related to the district's security or surveillance system, including live-feed images or recordings made from those images, without the necessity of requesting a decision from this office. *See* Gov't Code § 552.301(a) (allowing governmental body to withhold information subject to previous determination); Open Records Decision No. 673 (2001). We decline to issue such a decision at this time. Accordingly, 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,



Kenneth Leland Conyer  
Assistant Attorney General  
Open Records Division

KLC/dls

Ref: ID# 448180

Enc. Submitted documents

c: Requestor  
(w/o enclosures)