



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 2, 2012

Ms. Jennifer Soldano
Associate General Counsel
Texas Department of Motor Vehicles
4000 Jackson Avenue
Austin, Texas 78731

OR2012-12109

Dear Ms. Soldano:

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# 460791.

The Texas Department of Motor Vehicles (the "department") received a request for (1) the file formats for both RSPS subcontractor and RSPS DTA including any encryption used, (2) the format for a registration receipt and sticker including the bar code data fields and format, (3) the format for the registration renewal notification, (4) planned upgrades and changes for the next six months and beyond, and (5) web services definition for web subcontractor, including the method to become certified to use the web services. You state you have no information responsive to a portion of the request.¹ You also state you will release some information to the requestor. You claim the submitted information is excepted from disclosure under sections 552.111 and 552.139 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

You raise section 552.139 of the Government Code for the submitted information. Section 552.139 provides in pertinent part:

- (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.

¹The Act does not require a governmental body that receives a request for information to create information that did not exist when the request was received. *See Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.—San Antonio 1978, writ dismissed); Open Records Decision Nos. 605 at 2 (1992), 563 at 8 (1990), 555 at 1-2 (1990), 452 at 3 (1986), 362 at 2 (1983).

(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 containing sensitive or critical information is vulnerable to alteration, damage, erasure, or inappropriate use[.]

Gov't Code § 552.139(a), (b)(1)-(2). You state the submitted information relates to the design, operation, or defense of a computer network, including encryption or other components of the security system. You assert that release of the submitted information would create vulnerabilities in the security of the data and the processing system. Based on your representations and our review, we conclude you have demonstrated the submitted information relates to computer network security. Accordingly, the department must withhold the submitted information under section 552.139.²

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,



Cynthia G. Tynan
Assistant Attorney General
Open Records Division

CGT/ag

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

Ref: ID# 460791

Enc. Submitted documents

c: Requestor
(w/o enclosures)