



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

August 1, 2013

Mr. Randall Miller  
Assistant Criminal District Attorney  
Civil Division  
County of Dallas  
411 Elm Street, 5<sup>th</sup> Floor  
Dallas, Texas 75202

OR2013-13297

Dear Mr. Miller:

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# 495667.

Dallas County (the "county") received a request for a list of members of the county's local emergency planning committee ("LEPC"), the LEPC's most recent bylaws, meeting schedule, agendas, minutes, and attendance of all LEPC meetings, schedule and detailed description of any and all training exercises and drills for the LEPC, the county's emergency management plan, grant applications and grants received by LEPC for each fiscal year, and LEPC's budget and expenses for each fiscal year. You state you have released most of the information to the requestor. You claim that the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

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. You raise section 552.101 in conjunction with provisions of the Texas Homeland Security Act (the "HSA"), chapter 418 of the Government Code. Section 418.176

was added to chapter 418 as part of the HSA. This provision makes certain information related to terrorism confidential. Section 418.176 provides in relevant part:

(a) Information is confidential if the information is collected, assembled, or maintained by or for a governmental entity for the purpose of preventing, detecting, responding to, or investigating an act of terrorism or related criminal activity and:

(1) relates to staffing requirements of an emergency response provider, including a law enforcement agency, a fire-fighting agency, or an emergency services agency;

(2) relates to a tactical plan of the provider; or

(3) consists of a list or compilation of pager or telephone numbers, including mobile and cellular telephone numbers, of the provider.

*Id.* § 418.176(a). The fact that information may generally be related to emergency preparedness does not make the information *per se* confidential under the provisions of the HSA. *See* Open Records Decision No. 649 at 3 (1996) (language of confidentiality provisions controls scope of its protection). As with any confidentiality statute, a governmental body asserting this section must adequately explain how the responsive information falls within the scope of the provision. *See* Gov't Code § 552.301(e)(1)(A) (governmental body must explain how claimed exception to disclosure applies).

You inform us the submitted emergency management plan relates to the county's comprehensive approach to deal with all emergencies which include terrorism response. Upon review, we conclude the submitted information relates to staffing requirements and the county's tactical plans for the purpose of preventing, detecting, responding to, or investigating an act of terrorism or related criminal activity. Accordingly, we find the county must withhold the submitted information under section 552.101 of the Government Code in conjunction with section 418.176 of the Government Code. As our ruling is dispositive, we need not address your remaining argument against disclosure of this information.

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.texasattorneygeneral.gov/open/>

[orl\\_ruling\\_info.shtml](#), 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Thana Hussaini  
Assistant Attorney General  
Open Records Division

TH/som

Ref: ID# 495667

Enc. Submitted documents

c: Requestor  
(w/o enclosures)