



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 30, 2013

Mr. Craig A. Magnuson
Attorney
City of Mansfield
1305 East Broad Street
Mansfield, Texas 76063

OR2013-15216

Dear Mr. Magnuson:

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# 498726.

The City of Mansfield (the "city") received a request for certain existing storm water plans. You claim 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.

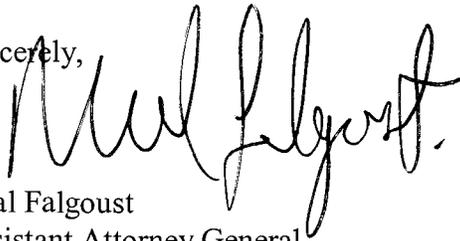
Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. You raise section 552.101 in conjunction with section 418.181 of the Government Code, which was added to chapter 418 of the Government Code as part of the Texas Homeland Security Act (the "HSA"). Section 418.181 provides, "[t]hose documents or portions of documents in the possession of a governmental entity are confidential if they identify the technical details of particular vulnerabilities of critical infrastructure to an act of terrorism." *Id.* § 418.181. The fact that information may generally be related to vulnerabilities of critical infrastructure does not make the information *per se* confidential under the HSA. *See* Open Records Decision No. 649 at 3 (1996) (language of confidentiality provision controls scope of its protection). As with any exception to disclosure, a governmental body asserting one of the confidentiality provisions of the HSA 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 state the submitted information reveals the location and technical details of critical water, sewer, drainage, and storm infrastructure and the release of this information would make it vulnerable to acts of terrorism. Based on these representations and our review, we agree the city may withhold the information we marked under section 552.101 of the Government Code in conjunction with section 418.181 of the Government Code. However, you have not demonstrated the remaining information identifies the technical details of particular vulnerabilities of critical infrastructure to an act of terrorism. Accordingly, the city may not withhold the remaining information under section 552.101 of the Government Code. As you raise no other exceptions, the city must release the remaining 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,



Neal Falgoust
Assistant Attorney General
Open Records Division

NF/ag

Ref: ID# 498726

Enc. Submitted documents

c: Requestor
(w/o enclosures)