



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

August 26, 2014

Ms. Bertha Bailey Whatley  
Chief Legal Counsel  
Irving Independent School District  
P.O. Box 152637  
Irving, Texas 75015-2637

OR2014-15095

Dear Ms. Whatley:

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# 537159.

The Irving Independent School District (the "district") received a request for information pertaining to a specified incident involving the requestor. You claim portions of the submitted information are excepted from disclosure under sections 552.101 and 552.108 of the Government Code. We have considered the exceptions 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. This exception encompasses information made confidential by other statutes, including section 418.182 of the Texas Homeland Security Act (the "HSA"), chapter 418 of the Government Code. Section 418.182 provides, in relevant part:

- (a) [ ] information . . . 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.

*Id.* § 418.182(a). The fact that information may be related to a security system does not make such 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 exception to disclosure, a governmental body asserting section 418.182 must adequately explain how the responsive records fall 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 state the requested video recording reveals the locations and specifications of security surveillance cameras at the district's administration building. You further state the surveillance cameras are part of the security system used to protect the district campus because the district does not have a district police force. You assert "[o]nce the locations of the cameras are ascertained, the usefulness of the cameras would be compromised because an individual could thwart identification[.]" You further assert release of the requested video recording would reveal any potential defects of the security system and could be used to exploit the security system for nefarious means. Upon review, we find the information at issue relates to the specifications and location of a security system used to protect public or private property from an act of terrorism or related criminal activity. See *Tex. Dep't of Pub. Safety v. Abbott*, 310 S.W.3d 670 (Tex. App.—Austin 2010, no pet.) (finding 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). Therefore, the district must withhold the requested video recording under section 552.101 of the Government Code in conjunction with section 418.182 of the Government Code.<sup>1</sup> As you raise no exceptions for the remaining information, 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.texasattorneygeneral.gov/open/orl\\_ruling\\_info.shtml](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

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<sup>1</sup>As our ruling is dispositive, we need not address your remaining argument against disclosure of this information.

providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,

A handwritten signature in black ink, appearing to read "Paige Thompson". The signature is written in a cursive style with a large, looping initial "P".

Paige Thompson  
Assistant Attorney General  
Open Records Division

PT/ds

Ref: ID# 537159

Enc. Submitted documents

c: Requestor  
(w/o enclosures)