



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 5, 2014

Mr. Evaristo Garcia, Jr.
Assistant City Attorney
City of McAllen
P.O. Box 220
McAllen, Texas 78505-0220

OR2014-15671

Dear Mr. Garcia:

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# 537283.

The City of McAllen (the "city") received a request for a fiber map of the city. You claim the submitted information is excepted from disclosure under section 552.139 of the Government Code. Further, you assert release of this information may implicate the proprietary interests of Transtelco. Accordingly, you state, and provide documentation showing, you notified Transtelco of the request for information and of its right to submit arguments to this office as to why the submitted information should not be released. *See* Gov't Code § 552.305 (permitting interested third party to submit to attorney general reasons why requested information should not be released); *see also* Open Records Decision No. 542 (1990) (statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in the Act in certain circumstances). We have received comments from Transtelco. We have considered the submitted arguments and reviewed the submitted information.

Section 552.139 of the Government Code provides, in part, as follows:

- (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.

(b) The following information is confidential:

(1) a computer network vulnerability report; [and]

(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). Section 2059.055(b) of the Government Code provides the following, in pertinent part:

Network security information is confidential under this section if the information is:

(1) related to passwords, personal identification numbers, access codes, encryption, or other components of the security system of a state agency;

(2) collected, assembled, or maintained by or for a governmental entity to prevent, detect, or investigate criminal activity; or

(3) related to an assessment, made by or for a governmental entity or maintained by a governmental entity, of the vulnerability of a network to criminal activity.

Id. § 2059.055(b). You state the information at issue pertains to the city's computer network, which is connected to the city's traffic signals and security system. You state release of this information would allow unauthorized persons to access the city's network and potentially connect to the city's traffic and security systems and damage or knock out the computer systems network. Based on these representations, we find you have demonstrated the information at issue relates to computer network security, and the design, operation, or

defense of the city's computer network. Accordingly, the city must withhold the submitted information under section 552.139 of the Government Code.¹

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,



Miriam A. Khalifa
Assistant Attorney General
Open Records Division

MAK/ds

Ref: ID# 537283

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Mr. Arturo Iglesias
Transtelco, Inc.
500 West Overland Avenue, Suite 310
El Paso, Texas 79901
(w/o enclosures)

¹As our ruling is dispositive, we need not address the remaining arguments against disclosure of this information.