



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

September 29, 2014

Mr. Brandon W. Carr  
Assistant City Attorney  
City of Fort Worth  
1000 Throckmorton Street  
Fort Worth, Texas 76102

OR2014-17267

Dear Mr. Carr:

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# 538675 (W035568).

The City of Fort Worth (the "city") received a request for "GIS files or feature classes contained within a geo-database depicting Sanitary Sewer and Water features within" specified locations. The city claims the requested information is excepted from disclosure under section 552.101 of the Government Code. We have considered the claimed exception and reviewed the submitted representative sample of information.<sup>1</sup>

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 section encompasses information protected by other statutes. As part of the Texas Homeland Security Act ("HSA"), sections 418.176 through 418.182 were added to chapter 418 of the Government Code. These provisions make certain information related to terrorism confidential. You assert the requested information is confidential under

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<sup>1</sup>We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent those records contain substantially different types of information than that submitted to this office.

section 418.181 of the Government Code, which 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 relate to a governmental body’s security concerns 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). Furthermore, the mere recitation by a governmental body of a statute’s key terms is not sufficient to demonstrate the applicability of the claimed provision. As with any exception to disclosure, a governmental body asserting one of the confidentiality provisions of the HSA must adequately explain how the responsive records fall within the scope of the claimed provision. *See* Gov’t Code § 552.301(e)(1)(A) (governmental body must explain how claimed exception to disclosure applies).

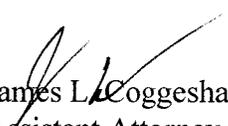
You explain the submitted information depicts where certain water and sanitary sewer lines are located in the city. You assert, and we agree, the city’s water and sanitary sewer lines are critical infrastructure. *See generally id.* § 421.001 (defining “critical infrastructure” to include “all public or private assets, systems, and functions vital to the security, governance, public health and safety, economy, or morale of the state or the nation”). You argue release of the submitted information would allow a potential terrorist to determine where the greatest damage to the city’s water and sanitary sewer lines and the buildings above them could be achieved. You also assert the rupturing of these pipes could cause widespread flooding, massive evacuations, paralyzed traffic, and disruption of commerce. Based on your arguments and our review of the information at issue, we find you have demonstrated release of some of the submitted information would identify the technical details of particular vulnerabilities of the city’s water and sanitary sewer lines to an act of terrorism. Thus, the city must withhold this information, which we have marked, under section 552.101 of the Government Code in conjunction with section 418.181 of the Government Code. However, we also conclude you have not demonstrated any of the remaining information reveals technical details of the vulnerability of the city’s water and sanitary sewer lines to an act of terrorism. *See id.* § 418.181. Thus, the city may not withhold the remaining information under section 552.101 in conjunction with section 418.181 but, instead, must release it to the requestor.

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

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

Sincerely,



James L. Coggeshall  
Assistant Attorney General  
Open Records Division

JLC/cbz

Ref: ID# 538675

Enc. Submitted documents

c: Requestor  
(w/o enclosures)