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September 6, 2022

Via CMRRR #9414 7266 9904 2181 3592 24

The Honorable Ken Paxton
Attorney General of Texas
Open Records Division
P. O. Box 12548
Austin, TX 78711-2548

Re: *Granbury ISD / Request for Public Information Determination*

Dear Attorney General Paxton:

As legal counsel for the Granbury Independent School District (“District”), I am requesting authorization to withhold certain information that the District believes is not subject to and/or is excepted from disclosure under the Public Information Act (“Act”), Texas Government Code Chapter 552.

THE REQUEST

The District received a request for public information via email on August 23, 2022.¹ The District was closed Monday, September 5, 2022, in observance of the Labor Day holiday. Accordingly, the 10th business day from the date of receipt of the request is September 7, 2022.²

The Requestor seeks copies of communications between the Superintendent and other individuals. Enclosed as **Exhibit 3** are the responsive documents. The District has produced to the requestor the records it believes are public information.

The District respectfully asserts that the information submitted as Exhibit 3 is not public under the Act, and therefore not subject to disclosure, pursuant to Texas Government Code § 552.101, in conjunction with Texas Government Code §§ 418.177; 418.181; 418.182, as discussed below, and therefore must be withheld by the District.

By copy of this letter, Granbury Independent School District hereby provides notice to the Requestor of this communication to your office asking for a decision under the Public Information Act, as provided by Texas Government Code §§ 552.221 and 552.301.

¹ Exhibit 1: Public Information Request.

² Exhibit 2: PISD 2021-2022 Calendar

BASIS FOR REQUEST TO WITHHOLD INFORMATION

Information Relating to Specifications and Location of Security System

Section 552.101 of the Government Code exempts from required disclosure “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.” TEX. GOV'T CODE § 552.101. This includes information withheld under Chapter 418 of the Government Code, which includes several confidentiality statutes, such as:

Section 418.182:

- (a) Except as provided by Subsections (b) and (c), information, including access codes and passwords, 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 activity is confidential (emphasis added).
- (b) Financial information in the possession of a governmental entity that relates to the expenditure of funds by a governmental entity for a security system is public information that is not excepted from required disclosure under Chapter 552.

Section 418.177:

Information is confidential if the information:

- (1) is collected, assembled, or maintained by or for a governmental entity for the purpose of preventing, detecting, or investigating an act of terrorism or related criminal activity; and
- (2) relates to an assessment by or for a governmental entity, or an assessment that is maintained by a governmental entity, of the risk or vulnerability of persons or property, including critical infrastructure, to an act of terrorism or related criminal activity.

Section 418.181:

Those 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.

Here, the requested material is related to a security system and its operating procedures which are used to protect public property from an act of terrorism or related activity.

Upon viewing the requested information, it would be possible to ascertain details regarding the District's emergency operation plan. Thus, the requested information relates to the specifications, operating procedures, and location of a security system within the meaning of Government Code § 418.182. In *Tex. Dep't of Pub. Safety v. Abbott*, 310 S.W.3d 670 (Tex. App.—Austin 2010, no pet. h.), the court interpreted the phrase “relates to” in §418.182 as legislative intent to enact broad confidentiality protection for information regarding security systems designed to protect public property. 310 S.W.3d at 676. Accordingly, it is sufficient that the information in the message relates to the specifications regarding the District's security system because it would enable an individual to ascertain details regarding the District's emergency operations plan.

Conclusion

The information at issue is submitted for *in-camera* inspection without waiving the District's claims that they contain information excepted from disclosure to all persons, including the Requestor, and with the understanding that the Attorney General's office will not release it to the public. In accordance with State law, we believe that the requested information addressed herein should not be released. On behalf of the Granbury Independent School District, I hereby respectfully request that your office authorize withholding the information at **Exhibit 3**.

Please contact me if you have any questions or require additional information or documentation to assist in this determination.

Sincerely,



Joey Moore

Enclosures

cc: *Via jlewis@democracyforward.org (w/o enclosures)*
John Lewis, Requestor

Via Lissa.Oliver@granburyisd.net (w/o enclosures)
Lissa Oliver, Communications Director