

Attorney General Open Records Letter Opinions Concerning Terrorism or Terrorist Activities

Opinion No.	Agency	Requestor	Information Requested	Agency Argument(s)	Ruling	Basis for Ruling
OR2003-3452, May 22, 2003	Dept. of Public Safety	Judicial Watch	Information relating to five named individuals and four organizations	§ 552.108 -- Reports pertained to investigations of possible terrorist activities; while some of the persons had been arrested or deported, investigation of persons involved with them continued.	Agency must withhold information, except for basic front page and arrest information concerning the individuals.	Gov't. Code § 552.108, law enforcement exemption (release of information would interfere with criminal investigation). Agency must explain how and why release of information would interfere.
OR2003-4389, June 26, 2003	City of Ft. Worth	Ft. Worth Star-Telegram	Copy of the vulnerability assessment of the city's water system	§§ 552.101, 552.106, 552.107, 552.108, 552.111, and § 418.177. Document discusses city's vulnerability to terrorist attacks and other acts intended to substantially disrupt the system's ability to provide safe and reliable drinking water.	Agency must withhold all information requested.	§ 552.101 and § 418.177.
OR2003-6503, September 16, 2003	City of Waco	Waco Tribune-Herald	The number of people who have received smallpox vaccine from Waco-McLennan City PHD and how many doses PHD has received	Waco attorney claimed § 552.101 and §418.181. TDH provided brief claiming §418.176. Waco PHD is emergency response provider under state and national smallpox preparedness plans.	Agency must withhold all information requested.	AG was persuaded by TDH's brief on § 418.176 rather than City of Waco's arguments.
OR2003-4407, June 26, 2003	City of Houston	NAACP	Four categories of information related to professional development training of Houston Police officers	Some information was released; agency claimed § 552.108 for remainder. AG brought up § 418.176 to include tactical plans and staffing requirements related to HPD's response to act of terrorism.	Agency must withhold marked information under § 418.176; other info claimed under § 552.108 may be withheld in part.	Argument for §418.176 persuaded AG; information under §552.108 established in part but did not provide convincing argument on how and why the rest of the information would interfere with law enforcement and crime prevention.
OR2003-4447, June 30, 2003	City of Arlington	Ft. Worth Star-Telegram	Copy of the vulnerability assessment of the city water system	§§ 418.177, 552.101, 552.108, 552.110, 552.111. Under §418.177, document describes city water system and discusses potential vulnerabilities to attack.	Agency must withhold information.	Information confidential under §418.177. Other Public Information Act exemptions not considered.

Attorney General Open Records Letter Opinions Concerning Terrorism or Terrorist Activities

Opinion No.	Agency	Requestor	Information Requested	Agency Argument(s)	Ruling	Basis for Ruling
OR2003-5678, August 14, 2003	Dept. of Public Safety	Information Technology Business Continuity	Hazard/Vulnerability/Risk Analysis for the State of Texas	§§ 418.177 and 502.108 – “Terrorism Risk Assessment” -- information concerns potential terrorist targets or activities and specific vulnerability of sites to potential use of WMDs.	Agency must withhold.	§418.177 – no need to address §552.108 exemption claim.
OR2003-6142, September 3, 2003	Dept. of Public Safety	San Antonio Express-News	List compiled by the state of possible targets as stated in its terrorist threat assessment	§§ 418.177 and 552.101 – information identifies key buildings associated with gov’t. operations and commercial enterprises but also crucial points in the state’s infrastructure and estimate of potential results of attack on any of those facilities.	Agency must withhold information.	§ 418.177
OR2003-6563, September 18, 2003	TDH	EaglePicher Pharmaceutical Services, L.L.C.	Audit information pertaining to company licensed to handle radioactive material	§§ 418.178 & 552.101 – affidavit from TDH BRC radiation safety expert.	Agency must withhold information.	§§ 418.178 & 552.101 – affidavit persuasive because it discussed danger of information falling into terrorist hands.
OR2003-6564, September 18, 2003	TDH	Mobley Radiation Consulting	Any information pertaining to company licensed to handle radioactive material	§§ 418.178 & 552.101 – affidavit from TDH BRC radiation safety expert.	Agency must withhold information.	§§ 418.178 & 552.101 – affidavit persuasive because it discussed danger of information falling into terrorist hands.
OR2003-5897, August 21, 2003	City of College Station	Bryan, Stacy & Dillard, L.L.P.	Information relating to College Station PD policy regarding audio and video recording of traffic stops.	§§ 418.176, 552.101, 552.103, 552.108	Agency must release all information	Agency failed to show how or why the exceptions applied.
OR2003-5974, August 25, 2003	Dept. of Public Safety	Republican Party of Texas	Photographic materials, both video and still images, relating to the theft of a redistricting map and related materials from Texas House	§§ 418.182, 552.101, 552.108	Agency must release all information. (DPS has filed lawsuit against AG to keep info confidential.)	Agency failed to show how or why the exceptions applied. Section 418.182 does not apply to criminal activity not related to terrorism.

Attorney General Open Records Letter Opinions Concerning Terrorism or Terrorist Activities

Opinion No.	Agency	Requestor	Information Requested	Agency Argument(s)	Ruling	Basis for Ruling
OR2003-6103, August 29, 2003	UT System (UTMB)	The Sunshine Project	A copy of the university's application for funding as the Region VI Center of Excellence for Bio-defense and Emerging Infectious Disease Research (RCE)	For purposes of this spreadsheet, only parts of opinion concerning Exhibit C apply -- §§ 552.101, 418.176, 418.177. UT argued that Exhibit C was confidential under those provisions because it related to terrorism.	Agency must release Exhibit C.	Exhibit C contained only general information identifying facilities and scientific support that, <i>if funded</i> , the RCE would make available to emergency response providers in the event of a bio-defense emergency. RCE is not an emergency response provider. Also, Exhibit C did not reveal any protected information about an actual emergency response provider.
OR2003-7005, October 3, 2003	TDH	Austin American-Statesman	The complete copies of the state's pre- and post-event smallpox plans	§§ 552.101, 418.176	Agency must withhold all requested information.	The AG was persuaded by TDH's argument under § 418.176 – smallpox is a potential bioterrorist weapon. As the state health agency, TDH must respond to bioterrorism and other public health emergencies, including preparing for and responding to an attack where smallpox is the weapon. The requested information contains information concerning staffing requirements and other preparations that would be undertaken by emergency health care providers in the event of a smallpox outbreak.

Attorney General Open Records Letter Opinions Concerning Terrorism or Terrorist Activities

Opinion No.	Agency	Requestor	Information Requested	Agency Argument(s)	Ruling	Basis for Ruling
OR2003-7208, October 10, 2003	San Antonio Water System (SAWS)	Bruce W. Baker c/o Harkins, Latimer & Dahl, PC	Information relating to e-mails sent to or by the requestor using his office computer during the requestor's employment with SAWS.	§§ 552.107, 552.108, 552.111, 552.136	SAWS may withhold information claimed under § 552.107; may not withhold under § 552.108; must withhold a small part of the information marked confidential under § 552.111; must withhold information marked under § 552.136; must withhold certain e-mail addresses under § 552.137 (SAWS did not claim this – AG claimed as mandatory exception); must withhold information confidential under § 552.101 and 418.181 (critical infrastructure) (note: SAWS did not claim those, either – AG claimed as mandatory exception).	The part of the ruling that was relevant to this chart was the infrastructure exception that the AG raised under §§ 552.101 and 418.181. Interestingly, the agency did not attempt to raise this exception – if the AG had not claimed it as a mandatory exception, then the agency would have had to release the information.
OR2003-7361, October 15, 2003	UT System	Austin American-Statesman	Several categories of information pertaining to five specified university officials and their departments or colleges	§§ 552.101, 552.108, 552.117, 552.136, 418.176 (most relevant to this chart: §§ 552.101 and 418.176)	UT only wanted to withhold certain telephone numbers. The AG ruled that UT must release those numbers except for certain cellular account number information (§ 552.136) and telephone numbers contained in requested billing information (§ 552.117). § 418.176 did not apply.	UT attempted to misapply § 418.176; AG ruled that the telephone numbers were not compiled for purposes of “preventing, detecting, responding to, or investigating an act of terrorism or related criminal activity.”

Attorney General Open Records Letter Opinions Concerning Terrorism or Terrorist Activities

Opinion No.	Agency	Requestor	Information Requested	Agency Argument(s)	Ruling	Basis for Ruling
OR2003-7646, October 24, 2003	City of College Station	Law Office of Jim James	Electronic communications sent or received from all mobile computer equipped police patrol units from 12:05 a.m. until 4:05 a.m. on July 24, 2003.	§§ 552.101, 552.103, 552.108; 418.176; also submitted a previous decision, ORD2001-670, which allowed a governmental body to withhold information within the scope of the statutory predecessor to § 552.117(a)(2) without the necessity of requesting an AG decision.	City must release all requested information.	The city only provided an argument for the submitted real-time e-mail communications between police officers during the time period specified in the request – that the e-mails related to the police department’s response to a specific incident involving a potentially hazardous chemical and came under § 418.176. The AG ruled that the e-mails were not related to the department’s response to terrorism or related criminal activity. The requestor had raised no other exceptions to disclosure, so all the information had to be released, except for the redacted information withheld under the statutory predecessor to § 552.117.
OR2003-7826, October 30, 2003	Bartlett Volunteer Fire Department	Valerie Bartlett	An inventory of the city’s fire department.	§ 552.101 in conjunction with sections of the federal Homeland Security Act.	Fire Department must release all information.	The governmental body did not submit a copy or representative sample of any of the information that it wished to protect with its letter to the AG. The AG could only conclude, absent information to the contrary, that the information must be released.

Attorney General Open Records Letter Opinions Concerning Terrorism or Terrorist Activities

Opinion No.	Agency	Requestor	Information Requested	Agency Argument(s)	Ruling	Basis for Ruling
OR2003-7958, November 5, 2003	City of Austin	American Civil Liberties Union – Texas	Six categories of information related to the collection and creation of materials for inclusion in an intelligence database and the creation, maintenance, and operation of such a database focused on materials related to protests, meetings, and public activities of certain individuals and organizations.	§§ 552.101, 552.103, 552.108, 552.119, 418.176	Agency must release information except for portions marked by AG to be withheld under §§ 552.108(a)(1) and 552.108(b)(1).	Agency failed to make persuasive arguments. Also, although agency provided an argument under § 418.176, it failed to mark any of the submitted information accordingly. Even so, the AG ruled that the submitted police dept. policies and procedures were collected, assembled, or maintained for purposes other than “preventing, detecting, responding to, or investigating an act of terrorism or related criminal activity.”
OR2003-8107, November 10, 2003	City of Arlington	Wilma Smith	Specific e-mail messages, notes, and memoranda during a certain time period.	§§ 552.101, 552.103, 552.104, 552.105, 552.107, 552.117, 552.131, 552.136, 418.176	Agency must withhold all e-mail addresses marked by the AG under § 552.137(a); agency may withhold certain information marked by AG under § 552.117(a)(1); agency must release information claimed under § 418.176. [Remainder of opinion is not relevant to this chart.]	The agency failed to show by argument or in the submitted records how the information marked under § 418.176, which consisted of an e-mail from a citizen and e-mails routing the citizen’s communication to various city officials, fell within the scope of § 418.176.

Attorney General Open Records Letter Opinions Concerning Terrorism or Terrorist Activities

Opinion No.	Agency	Requestor	Information Requested	Agency Argument(s)	Ruling	Basis for Ruling
OR2003-8302, November 19, 2003	Freeman & Corbett, L.L.P. (representing Brushy Creek Municipal Utility District)	John C. McLemore	Four requests from the same requestor for documents sent by and received from the district engineer and general manager within a certain time period, documents relating to “the status of the Long-Term Water Treatment, Storage, and Transmission Improvement Project,” certain invoices for services from Freeman and Corbett and from Dietz and Associates, “a copy of the complete Microsoft ACCESS file containing the record of the receipt, processing, and completion of all Open Records requests received by the District since 1 June 2002 on floppy disk,” and information relating to security system improvements. The requestor also asked that copies of the requests “be provided with the results. . .to enable correlation of requests with the results provided.” The requestor also later clarified the portion of the request relating to Microsoft ACCESS file, limiting the request to “a file from your database that will import to my database.”	§§ 552.101, 552.105, 552.107, 552.111, 418.181, 418.182	The AG ruled that the contract was not confidential under either § 418.181 or § 418.182. [The remainder of the ruling is not relevant to this chart.]	The agency failed to show that release of security systems information for District recreational facilities would “identify the technical details of particular vulnerabilities of critical infrastructure” (418.181) or that the security systems were used to protect public or private property from an act of terrorism or related criminal activity (418.182). [The remainder of the ruling is not relevant to this chart.]

Attorney General Open Records Letter Opinions Concerning Terrorism or Terrorist Activities

Opinion No.	Agency	Requestor	Information Requested	Agency Argument(s)	Ruling	Basis for Ruling
OR20030-8462, November 24, 2003	LCRA	Harvey V. Janelli	A copy of the LCRA's fiber system map.	§§ 552.101; 418.181	Agency must withhold information under § 418.181.	AG was persuaded because the LCRA explained that the fiber optic cable and digital microwave connected its administrative and operational facilities and also transmits mobile radio traffic of certain public safety entities. The requested information also reveals the protected and unprotected fiber routs. LCRA explained how terrorists could use the information.
OR2003-9082, December 16, 2003	TXDOT	IMapData	A list of critical bridges and tunnels in Texas.	§§ 552.101, 418.177, and 418.181.	Agency must withhold requested information under § 418.177.	AG was persuaded because TXDOT explained that the requested information is "the result of [TXDOT's] assessment of the risk and vulnerability of critical transportation to an act of terrorism" and that the information was collected specifically for the purpose of preventing an act of terrorism against critical infrastructure. Because the AG determined that the information was confidential under § 418.177, there was no need to address the arguments for withholding under § 418.181.

Attorney General Open Records Letter Opinions Concerning Terrorism or Terrorist Activities

Opinion No.	Agency	Requestor	Information Requested	Agency Argument(s)	Ruling	Basis for Ruling
OR2003-9224, December 19, 2003	Texas Tech University System	The Sunshine Project	(1) grant applications, approvals and final reports in their entirety of all projects begun since 1990 that have involved plant breeding or use of biotechnology techniques to increase the ricin content of any variety of the castorbean plant; (2) all records related to crosses between certain types of castorbean plants; (3) records describing a particular ricin extraction unit built at Texas Tech University, and its construction, characteristics, and operations [note: requestor withdrew request for (3) before opinion was issued]	Agency's available documents (in Exhibit D) were responsive to both (1) and (2); claimed § 552.101; Educ. Code § 51.914; Gov't. Code § 418.178	Agency must withhold part of the information concerning a crossbreeding program under Educ. Code § 51.914 (OR exemption to protect information that protects actual or potential value of products, devices, or processes and their applications developed in whole or in part at a state institution of higher education; however, agency must release the general background information and budgetary documents that it had claimed under § 418.178.	The AG recognized that the crossbreeding process information fell under the Educ. Code § 51.914 exemption because of its potential or actual value; however, the agency failed to show that § 418.178, concerning construction or assembly of weapons, applied to the background information and budgetary documents that remained in Exhibit D.
OR2003-9256, December 22, 2003	TXDOT	Ms. Kristi Boul	A copy of TXDOT's Internal Security Manual	§§ 552.101, 552.139, and 418.182(a); also 1 TAC 202.7(b)(1)	Agency must release the requested manual.	The agency failed to show under the submitted exceptions how and why they applied; in particular, the agency failed to show that the manual was confidential under § 418.182 because "the fact that information may relate to a governmental body's security concerns does not make the information <i>per se</i> confidential under the Texas Homeland Security Act...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."

Attorney General Open Records Letter Opinions Concerning Terrorism or Terrorist Activities

Opinion No.	Agency	Requestor	Information Requested	Agency Argument(s)	Ruling	Basis for Ruling
OR2004-0307, January 14, 2004	City of Houston	The Houston Chronicle	A specific "information circular" that was sent to the Houston Police Dept. warning of possible terrorist activity.	§§ 552.101, 418.177	Document is confidential under § 418.177 and must be withheld.	City showed that the document is an assessment by the U.S. Dept. of Homeland Security of the risk of persons, property, and critical infrastructure to acts of terrorism and was disseminated to law enforcement officials for the purpose of making them aware of vulnerable areas and to suggest precautionary measures.
OR2004-0488, January 22, 2004	City of Irving	INTERA, Inc.; Hunton & Williams, LLP	Information relating to the locations of buried utilities within a 500-foot radius of the property at a specified address.	§§ 552.101; 418.181	City must release information pertinent to utility companies; specific to this chart, city must release information pertaining to TXU Gas facilities.	Although TXU's attorneys (as interested third parties) argued that § 418.181 applied because the gas facilities could be considered critical infrastructure information, the AG ruled that the information is already available both from the Texas Railroad Commission and commercially, so § 418.181 would not apply – the information is not confidential.
OR2004-0820, February 4, 2004	TXDOT	Advanced Technology Science Engineering Research	Information relating to the indexing and structuring of the department's electronic data management system.	§§ 552.101, 552.104, and 552.139, 418.182	Agency must release the information in its entirety.	As pertains to this chart, the agency failed to prove that the information was confidential under § 418.182. The agency's arguments failed to adequately explain how the agency uses the information "to protect public or private property from terrorism or criminal activity related to an act of terrorism."

Attorney General Open Records Letter Opinions Concerning Terrorism or Terrorist Activities

Opinion No.	Agency	Requestor	Information Requested	Agency Argument(s)	Ruling	Basis for Ruling
OR2004-1338, February 24, 2004	TXDOT	HCSS	Certain information about the state's bridges, specifically each bridge's load restriction, restriction notice, latitude, longitude, and information indicating whether the bridge is open or closed.	§§ 552.101, 418.177, 418.181 (also other law not applicable to this chart)	The agency must release the requested information.	The agency failed to show in its arguments how release of the information in "list" form would be confidential under either § 418.177 or § 418.181, especially since all the information is posted on the TXDOT website.
OR2004-1390, February 25, 2004	UT System	Mark Miller	All contracts, expenditures, information, layouts, or diagrams relating to the construction of the university's tunnel system (note: requestor withdrew his request for contracts and expenditures information and limited the request to the layouts or diagrams).	§§ 552.101, 418.181	Requested information must be withheld under §§ 551.101 and 418.181	The AG agreed with the agency's arguments that release of the requested layouts and diagrams would jeopardize the safety of the university's utility systems if terrorists got access to the information.
OR2004-2810, April 7, 2004	UT System	Mark Miller	Copies of invoices from Qwest Communications for the year 2003	§§ 552.101, 552.136, 552.139, 421.002(6)	Relevant to this chart, the information that the agency wanted to withhold under § 421.002(6) must be released.	The agency claimed Gov't. Code § 421.002(6), which is part of the Texas Homeland Security Act and which requires the governor to develop a homeland security strategy to "[detect, deter, and defend] against terrorism, including cyber-terrorism and biological, chemical, and nuclear terrorism ..." The AG ruled that the information claimed under that section was public information because § 421.002 does not make any information confidential – it "espouses certain general goals and guidelines with regard to homeland security and combating terrorism."

Attorney General Open Records Letter Opinions Concerning Terrorism or Terrorist Activities

Opinion No.	Agency	Requestor	Information Requested	Agency Argument(s)	Ruling	Basis for Ruling
OR2004-2987, April 13, 2004	Brazos Valley Council of Governments	Thomas E. Lowe, Jr.	The name and contact information of all Community Emergency Response Team Trained Personnel who trained under the council and Retired Senior Volunteer Program.	§§ 552.101 and 418.176	Agency must withhold some of the information it marked as confidential under § 418.176, but not all.	Agency failed to provide arguments showing how all the marked information was confidential under § 418.176.
OR2004-4821, June 14, 2004	Williamson County	Shawn Newsom	All e-mails transmitted from or received on county-owned computers for 14 named county employees during a specific time period.	§§ 552.101 (and other sections in the Texas Public Information Act that are not pertinent to this chart), 418.177, 418.181, 418.182	Agency must withhold certain marked information – some law enforcement bulletins and assessments by the U.S. Dept. of Homeland Security of the risk of persons, property, and critical infrastructure to acts of terrorism; USDHS disseminated these to local law enforcement entities “for the purpose of making them aware of vulnerable areas and to suggest certain precautionary measures.”	Some of the information was found to be confidential under § 418.181; however, the AG ruled that the agency’s arguments for the information submitted as confidential under §§ 418.177 or 418.182 were not convincing, so all of that information had to be released.
OR2004-5138, June 23, 2004	City of Austin	The Daily Texan	Information pertaining to surveillance cameras owned or maintained by the police department and city officials.	§§ 552.101, 418.182, 552.108	Agency may not withhold any of its submitted information based on § 418.182. Some of the information may be withheld under § 552.108 (which does not concern terrorism).	Agency did not adequately show how submitted information pertained to specifically protecting the public from an act of terrorism or related criminal activity.
OR2004-5232, June 25, 2004	City of Roanoke	Fort Worth Star-Telegram	Information relating to a specific commercial development.	§§ 552.101, 418.181	The agency must withhold parts of the commercial development plan.	The agency demonstrated that parts of the facility to be built constitute critical infrastructure that “will identify the technical details of particular vulnerabilities” of the facility to an act of terrorism.

Attorney General Open Records Letter Opinions Concerning Terrorism or Terrorist Activities

Opinion No.	Agency	Requestor	Information Requested	Agency Argument(s)	Ruling	Basis for Ruling
OR2004-5581, July 8, 2004	City of Dallas (Dallas Police Dept.)	Dallas Morning News	Request for all e-mail correspondence to or from interim Chief Randy Hampton since August 26, 2003.	[somewhat relevant to this chart] § 552.108	The agency must withhold information claimed under § 552.108.	The agency argued that the information claimed relates to counter-terrorism and includes bulletins that are “distributed by the [FBI] for law enforcement purposes only.” The bulletins contain “specific, current intelligence information.” The AG agreed with the agency’s arguments.
OR2004-5654, July 9, 2004	San Antonio Water System (SAWS) (through its counsel Denton, Navarro, Rocha & Bernal)	WOAI-TV	Request for 1) records related to the SAWS purchase of security cameras and a wireless closed circuit TV system; 2) correspondence between SAWS and a named individual; 3) communications regarding the installation, operation, and maintenance of the security system; and 4) invoices, bills, purchase order, or checks to and from “Wonderlink Malich [sic].”	[relevant to this chart] §§ 552.101, 418.181, 418.182	Agency must withhold information claimed under § 418.181; with the exception of certain information, information claimed under § 418.182 must be withheld.	AG was persuaded by agency’s arguments concerning the vulnerability of water and waste water services provided by SAWS (§ 418.181, critical infrastructure) and confidentiality of security camera information (§ 418.182, security system used to protect public or private property from an act of terrorism.).
OR2004-6023, July 20, 2004	Rosenberg Police Dept. (through its counsel Ross, Banks, May, Cron & Cavin P.C.)	Kevin Taylor	Request for personnel, disciplinary, and administrative records pertaining to four named department employees.	[relevant to this chart] §§ 552.101, 418.176-418.182	Agency may not withhold any information claimed in conjunction with Chapter 418.	Agency merely contended that some of the requested information was confidential under §§ 552.101, 418.176-418.182 because it related to the agency’s security concerns. The argument failed to show how the information fell within the scope of Chapter 418.

Attorney General Open Records Letter Opinions Concerning Terrorism or Terrorist Activities

Opinion No.	Agency	Requestor	Information Requested	Agency Argument(s)	Ruling	Basis for Ruling
OR2004-6953, August 16, 2004	City of Houston	KPRC-TV	Request to Houston Emergency Center for copy of the 2003 Strategic Wireless System Study for the City of Houston.	§§ 552.101, 418.176-418.182	Agency must withhold requested information (other than the portion for which the agency requested an opinion from the Transportation Security Administration – the opinion does not address that information).	Agency persuaded AG that the study contained “particular vulnerabilities of critical infrastructure to an act of terrorism.” AG ruled information is confidential under § 418.181.
OR2004-7284, August 25, 2004	Texas A&M University System	Accu Aire Controls, Inc.	Request for information relating to variable air volume laboratory airflow control systems installed in facilities administered by the system over the past five years, including communications with architects, engineers, contractors, and vendors; preliminary project manuals; documentation relating to bidding and negotiation; and information pertaining to the evaluation and selection of particular laboratory airflow control systems.	[relevant to this chart] §§ 552.101, 418.176-418.182	Agency may not withhold info under Ch. 418.	Agency failed to show that the systems are critical infrastructure vulnerable to terrorist attack; or that the requested information could be used to build or assemble a weapon; or that the requested information “relates to the whereabouts of any information relating to a potential vaccine or to a device that protects biological agents or toxins.”
OR2004-7458, September 1, 2004	City of Houston	Houston Chronicle	Request for information pertaining to use of city cellular telephones.	[relevant to this chart] §§ 552.101, 418.176	Agency may not withhold under § 418.176.	Agency failed to show “how billing records for all city employee cellular telephones constitute ‘information [that] is collected, assembled, or maintained by or for a governmental entity for the purposes of preventing, detecting, responding to, or investigating an act of terrorism ...’” (However, agency could withhold some of the other requested information under common law privacy.)

Attorney General Open Records Letter Opinions Concerning Terrorism or Terrorist Activities

Opinion No.	Agency	Requestor	Information Requested	Agency Argument(s)	Ruling	Basis for Ruling
OR2004-8452, October 5, 2004	Houston-Galveston Area Council	Burney & Foreman	Request for a specified report.	The Houston-Galveston Area Council represents the Transportation Security Administration (TSA). The TSA classified part of the document as confidential related to aviation system and aviation facilities, so that info will be withheld under Federal law. Agency argued that the remaining info is confidential under § 418.177.	The agency must withhold the indicated information under § 418.177.	Critical infrastructure – the AG agreed that the submitted information “was created for the Council for the purpose of preventing, detecting, or investigating an act of terrorism or related criminal activity.”
OR2004-8478, October 5, 2004	City of San Antonio	Alan B. Smith	Request for San Antonio’s (1) ‘formally approved business policies and procedures governing the assignment and management of Administrator security privileges’ and (2) ‘a list of all city employees with administrator security privileges at the Department Systems Specialist Level as of June 30, 2004.	(relevant to this chart) §§ 552.101, 418.176, 418.179.	Agency cannot withhold under §§ 418.176 or 418.179.	Agency’s arguments for confidentiality under both sections of Chapter 418 failed to demonstrate applicability of the information to those sections.
OR2004-8524, October 7, 2004	City of Georgetown	Keith Peshack	Request for copies of the written statutes, policies, and procedures for “attacking and setting up perimeters of fire for Georgetown police officers acting outside the city limits[.]”	(relevant to this chart) §§ 552.101, 418.176.	City must withhold information claimed under § 418.176.	AG agreed that city maintains information “for the purpose of responding to an act of terrorism or related criminal activity” and that the procedures “relate to an emergency response provider’s staffing requirements and tactical plan in that they set out the roles, responsibilities, and authority of the police personnel who will respond to an act of terrorism.”

Attorney General Open Records Letter Opinions Concerning Terrorism or Terrorist Activities

Opinion No.	Agency	Requestor	Information Requested	Agency Argument(s)	Ruling	Basis for Ruling
OR2004-8589, October 11, 2004	City of Corpus Christi	René Rodriguez	Request for information pertaining to the following three categories for a specified time period: (1) cellular telephone records of five named city employees; (2) automatic vehicle locator records for certain vehicles, and (3) records related to travel expenses of two named employees.	[relevant to this chart] Most of the responsive information was provided to requestor, except for Automatic Vehicle Locator (AVL) records; city argues they are confidential under §§ 552.101, 418.176, 418.177, 418.180, and 418.181.	City must withhold information submitted as confidential under § 418.176.	AG agreed that the AVL records were “information collected, assembled, and maintained by the city for the purpose of preventing, detecting, responding to, or investigating an act of terrorism or related criminal activity” because the AVL is a technology requirement of the [U.S.] Department of Homeland Security. Also, the AVL records relate to staffing requirements of local area emergency response providers.
OR2004-9615, November 10, 2004	Public Utility Commission of Texas	Randall Chapman, Texas Legal Services Center	Request for copies of “recently executed third-party contracts approved by the [PUC] for [the Electric Reliability Council of Texas (ERCOT)] to review financial administration and security services.”	[relevant to this chart] §§ 552.101, 418.177	Agency cannot withhold information under § 418.177.	Agency raised § 418.177 but did not argue how it applied; AG also determined that information was not maintaining the requested information for the purpose of “preventing, detecting, or investigating an act of terrorism.”
OR2004-10226, December 2, 2004	City of Texas City	Mr. Mark Pandanell, c/o City of Texas City	Request for “all e-mail messages sent and received, as well as the paper log sheet for text messages sent and received, since January 1, 2001, for an identified city employee.”	[relevant to this chart] §§ 552.101, 418.176	Agency must withhold one of the submitted e-mails under § 418.176.	Agency showed how the e-mail in question was maintained for “the purpose of responding to an act of terrorism, and that the information relates to an emergency response provider’s staffing requirements and tactical plan.”
OR2005-00713	City of Fort Worth	Russell Mcvean	Request for the emergency and evacuation plans for events held in Fort Worth during 2003 and 2004.	§§ 552.101, 418.176, 418.177, 418.181; also § 552.108.	Agency cannot withhold under § 418.176, 418.177, or 418.181. Information withheld under § 552.108 could be withheld.	Agency did not properly justify to the AG how the documents would be confidential under those sections.

Attorney General Open Records Letter Opinions Concerning Terrorism or Terrorist Activities

Opinion No.	Agency	Requestor	Information Requested	Agency Argument(s)	Ruling	Basis for Ruling
OR2005-01303, February 11, 2005	TCEQ	KEYE News	A list of all Texas dams, including but not limited to name of dam, county, city, date of last inspection, hazard level, and whether an emergency action plan (EAP) has been filed; a list of all dams considered to be unsafe or deficient in any way; all current EAPs filed; a list of all current dam inspectors, number of dams inspected in 2002, 2003, and 2004; and any information regarding cuts in budget for the dam inspection program over the past five years.	552.101; 418.181	EAPs and columns identifying dams' hazard levels and reasons for unsafe designations must be withheld; remainder of information must be released	Information to be withheld identifies technical details of particular vulnerabilities of critical infrastructures.
OR2005-01843, March 3, 2005	City Public Service (CPS) of San Antonio	MicroMap Publishing Company	Copies of gas and electric line maps for CPS service area.	552.101; 418.181	CPS must release requested information.	"The fact that information may relate to a governmental body's security measures does not make the information per se confidential under the Homeland Security Act. See Open Records Decision No. 649 at 3 (1996) (language of confidentiality provision controls scope of its protection)." Also, the type of information requested is available from the Railroad Commission and commercial vendors. The agency failed to persuade the OAG how the information falls within the scope of Chapter 418.
OR2005-02084, March 11, 2005	UT System	WOAI News 4 Trouble Shooters, San Antonio	Any and all final [university] audits over the last 12 months. [UT released 11 of the 12 audits voluntarily.]	552.101, 552.108, 418.177	UT must withhold requested information under 552.101 and 418.177.	UT's arguments against release were persuasive under 418.177 (see statutory text).

Attorney General Open Records Letter Opinions Concerning Terrorism or Terrorist Activities

Opinion No.	Agency	Requestor	Information Requested	Agency Argument(s)	Ruling	Basis for Ruling
OR2005-02098, March 11, 2005	City of Baytown	Houston Chronicle	The policies and procedures handling structure fires.	552.101, 418.176	The agency must withhold under 552.101 and 418.176.	The agency argued that the submitted operating procedures outlined “the method of determining the department’s staffing and tactical plan in response to an act of terrorism.” The OAG was persuaded by the argument.
OR2005-02666, March 30, 2005	City of Houston	KTRK TV; Houston Chronicle	Two requests for (1) information compiled in response to a subpoena issued in a specified federal case; and (2) appointments and trips taken by a specified former employee of the city. The agency released some of the requested information.	552.101, 418.181 [sections pertinent to this chart]	The submitted information (pertinent to this chart) must be withheld under 552.101 and 418.181.	The agency showed that the submitted information contained an outline of the city’s strategic approach to develop a comprehensive plan regarding homeland defense; the outline also assesses the vulnerability of the city’s communication system (successful critical infrastructure argument).
OR2005-02973, April 6, 2005	City of Cleburne	Whitehead & Mueller, Inc.	Request for the water well driller’s logs for the city’s seven water wells, including the name of the owner of each well, name of the aquifer that the water is pulled from, the screened interval of the water well, the total water well depth, and the location of each well. [The agency released some of the requested information to the requestor.]	552.101, 418.181	The submitted information must be released.	City argued that 418.181 applied because the “requested information deals with a portion of the [city’s] source water and identifies technical details of particular vulnerabilities of critical infrastructure to an act of terrorism...” However, the city failed to explain how 418.181 applied to the requested information.
OR2005-03711, April 29, 2005	Fort Bend ISD (represented by Feldman & Rogers, LLP)	Lewis W. Smith	Request for computer network security audit dated December 1, 2004.	552.101; 418.177, 418.181	Submitted information must be released.	Agency failed to “adequately explain how any of the remaining submitted information falls within the scope of [418.177 and 418.181].”

Attorney General Open Records Letter Opinions Concerning Terrorism or Terrorist Activities

Opinion No.	Agency	Requestor	Information Requested	Agency Argument(s)	Ruling	Basis for Ruling
OR2005-04168, May 13, 2005	Texas Tech University System	The Sunshine Project	Request for (1) the proposal to the [DoD], in its entirety, in which the project Combinative Toxicity Studies of Biotoxin Mixtures was proposed; (2) all chemical and/or biological safety protocols related to the study; (3) the minutes of all committees with charges related to chemical and/or biological safety when such committees met to consider matters related to the project; and (4) the list of project titles and principal investigators in all projects that are or have been part of the Admiral Zumwalt program, from its inception through the present.	552.101, 418.177, 418.178, 418.180	Tech must release all information claimed under 552.101, 418.177, 418.178, 418.180.	Tech failed to adequately explain how any of the information falls within the scope of those sections (see summary of agency's arguments on page 6 of ruling).
OR2005-04624, May 26, 2005	City of Georgetown (represented by Brown & Carls)	Clark Lyda	Request for the city manager's weekly reports to the city council for a specified time period. (City of Georgetown released most of the responsive information.)	552.101, 418.177, 418.181	City must withhold part of the submitted information under 418.177 (critical infrastructure); however, part must be released.	City failed to demonstrate how 418.177 and 418.181 applied to parts of the submitted information.
OR2005-04667, May 27, 2005	City of Houston	Michael L. Cothran	Request for (1) Runway/Complaint Data for August and November 2004; (2) Runway/Complaint Data . . . annualized for 2004; and (3) an ariel [sic] photograph of Bush IAH.	552.101, 418.181	City must release submitted information.	City failed to adequately show how 418.181 applied to submitted information; also, City admitted that the Transportation Security Administration (TSA) had reviewed the information and determined that it was not sensitive security information.

Attorney General Open Records Letter Opinions Concerning Terrorism or Terrorist Activities

Opinion No.	Agency	Requestor	Information Requested	Agency Argument(s)	Ruling	Basis for Ruling
OR2005-05284, June 15, 2005	TCEQ	Ken & Ann Reigel	Request for information relating to two specified dams. (TCEQ released some of the requested information.)	552.101, 418.177, 418.181	TCEQ must withhold engineering plans; part of submitted information must be released; part of the submitted information is under copyright (requestors may view and make their own copies with their own means of copying).	TCEQ failed to adequately demonstrate that 418.177 and 418.181 applied to parts of the submitted information.
OR2005-05531, June 22, 2005	TCEQ	Banks Information Solutions, Inc.	Request for information contained in a water utility database, including, among other things, public water supply names and identification numbers, specific latitude and longitude information for water sources, and wells used by the public water supply systems. (TCEQ has released some of the requested information.)	552.101, 418.181	TCEQ must release the submitted information to the requestor.	The submitted information is available to the public through the Texas Water Development Board. TCEQ failed to adequately demonstrate the application of 418.181.
OR2005-05586, June 23, 2005	Texas A&M University System	San Antonio Express-News	Request for, among other things, all assessments of risks, capabilities, and needs for local jurisdictions compiled by TEEEX [not defined] for a specified time period.	552.101, 418.177	TAMU must withhold the submitted information.	TAMU showed that 418.177 applied because the submitted information consisted of vulnerability assessments used to evaluate vulnerability to potential threat elements and to determine equipment, training, planning, organization, and technical assistance needs. Also, TEEEX forwards the assessments to the U.S. Dept. of Homeland Security and are used by USDHS to determine funding needs.
OR2005-06002, July 7, 2005	Waller ISD	Rebecca Froman	Request for crisis plan, faculty and staff procedures, flip charts, and lock down procedures of the ISD.	552.101, 418.176, 418.177, 418.181	ISD must release the submitted information.	The ISD failed to show that the Texas Homeland Security Act applies to any of the submitted information.

Attorney General Open Records Letter Opinions Concerning Terrorism or Terrorist Activities

Opinion No.	Agency	Requestor	Information Requested	Agency Argument(s)	Ruling	Basis for Ruling
OR2005-06206, July 13, 2005	City of Houston	Kathy Metcalf	Request for information relating to backflow of assemblies that are due for testing May 2005-May 2006.	552.101, 418.181	Part of the submitted information concerning the backflow preventers must be withheld (critical infrastructure); the remainder must be released.	City adequately explained the application of 418.181 to portions of the submitted information but not the remainder of the information.
OR2005-06212, July 13, 2005	City of Lubbock	KCBD News	Request for information related to funding received by the City for homeland security.	552.101, 418.176, 418.177, 418.181	The City must release all the submitted information; none may be withheld under Chapter 418.	City failed to show how the submitted information related to Chapter 418.
OR2005-06697, July 26, 2005	City of Laredo	Isabel Villegas	Request for the structural drawings of two specified international bridges.	552.101, 418.181	The submitted information must be withheld under Ch. 418.	City adequately showed how 418.181 applied to structural drawings of international bridges.
OR2005-07052, August 4, 2005	Beaumont Police Dept.	The Examiner Newspaper	Request for phone numbers for "every city-owned cell phone being used by city employees and who that phone is checked out or listed to."	552.101, 418.176	Submitted phone numbers of fire and EMS employees must be withheld because those employees are part of the emergency response team. Remaining names and cell phone numbers must be released.	City adequately showed how 418.176 applied to first responder information but failed to show how 418.176 applied to the remainder of the names and cell phone numbers.
OR2005-07193, August 9, 2005	City of Houston	Betty L. Heaker, Wabash Antiques and Feed Store	Request for information regarding the construction and operation of the Houston Emergency Center (part of the requested information was released).	552.101, 418.177, 418.181	Part of the submitted information must be withheld under 418.181; however, the remainder must be released (except for certain e-mail addresses under 552.137).	The city adequately showed how 418.181 applied to part of the submitted information but failed to show how either 418.177 or 418.181 applied to the remainder of the information.
OR2005-07401, August 16, 2005	Texas A&M University System	The Dallas Morning News	Request for homeland security vulnerability assessments for Texas and the following counties: Dallas, Tarrant, Collin, Denton, Rockwall, Kaufman, and Ellis.	552.101, 418.177	TAMUS must withhold submitted information in its entirety.	TAMUS adequately showed the application of 418.177 to the submitted information.

Attorney General Open Records Letter Opinions Concerning Terrorism or Terrorist Activities

Opinion No.	Agency	Requestor	Information Requested	Agency Argument(s)	Ruling	Basis for Ruling
OR2005-07574, August 22, 2005	City of Seagoville (represented by Nichols, Jackson, Dillard, Hager & Smith, LLP)	James Russell Tucker	Request for blueprints of water mains located around a specific location.	552.101, 418.181	City must withhold submitted information.	City adequately showed the application of 418.181 to the requested blueprints.
OR2005-07586, August 22, 2005	City of McAllen	Citizens for a Better and Safer McAllen	Request for specific hazardous materials procedure materials (city released some of the requested information).	552.101, 418.176, 418.182 (pertinent to this chart)	City must release submitted information to the requestor.	The city failed to adequately show the application of 418.176 and 418.182 to the submitted information.
OR2005-07765, August 26, 2005	TxDPS	Texas Observer	Request for any and all video taken of the second floor back hallway behind the Texas House Chamber on May 23, 2005 from 8:00 a.m. to 10:00 p.m.	552.101, 418.182 (pertinent to this chart)	City must release submitted video to the requestor.	The city failed to show how the submitted related to the specifications, operating procedures, or location of a security system used to protect public property from an act of terrorism or criminal activity related to terrorism.
OR2005-08472, September 16, 2005	Texas Animal Health Commission	Associated Press; The Dallas Morning News; Houston Chronicle	Requests for certain information pertaining to the cow that tested positive last June for Bovine Spongiform Encephalopathy ("BSE"), including information related to Texas slaughterhouses and rendering facilities, other requests for public information received by the AHC, the name or names of the infected cow's previous owner or owners, a copy of the "hold order" issued by the AHC, and the AHC's correspondence with Champion Pet Foods of Waco and the USDA. (Some of the requested information was made available to the requestors.)	552.101, 418.176, 418.177, 418.180, 418.181 (pertinent to this chart)	Agency must withhold part of the submitted information (incident action plans) under 418.176. Agency may not withhold any of the remaining information under Ch. 418.	The agency failed to show how Ch. 418 applied to the submitted information, other than the incident action plans. (Note: The ruling required some information to be withheld under 552.110 and ORD 561, but that part of the ruling does not relate to this chart.)

Attorney General Open Records Letter Opinions Concerning Terrorism or Terrorist Activities

Opinion No.	Agency	Requestor	Information Requested	Agency Argument(s)	Ruling	Basis for Ruling
OR2005-08841, September 29, 2005	Dallas County District Attorney's Office	Joe Ellis, Fox 4 News	A request for all documentation regarding 2004 Urban Area Security Initiative (UASI) funds and proposals to expend 2004 UASI funds from March 1, 2003 to the present.	GC 552.101; 418.176, 418.177, 418.181	None of the submitted information is confidential under Gov't. Code Ch. 418 – agency must release all.	Submitted information consisted primarily of documentation related to Dallas County's expenditure of UASI grant funds, rather than information that would be protected under Ch. 418 – information did not relate to tactical plan, vulnerability assessment, or critical infrastructure.
OR2005-08941, October 3, 2005	Harris County	David Steinhart, KRIV-TV/Fox 26 News	A request for information related to security personnel employed by Weiser Security and Wackenhut Security who have worked at Harris County offices and buildings between January 1, 2000 and July 14, 2005, as well as information related to the county offices and buildings in which Weiser currently provides security personnel.	(Relevant to this chart) GC §§ 552.101, 418.176, 418.177, 418.181	Agency must release all information to requestor.	Personnel lists and time sheets submitted to the OAG do not fall under the protection of Ch. 418 because the county failed to show that any of the information was maintained for the purpose of preventing, detecting, responding to, or investigating an act of terrorism or criminal activity related to terrorism. Also, the county does not explain and the submitted information does not show how submitted information relates to critical infrastructure.

Attorney General Open Records Letter Opinions Concerning Terrorism or Terrorist Activities

Opinion No.	Agency	Requestor	Information Requested	Agency Argument(s)	Ruling	Basis for Ruling
OR2005-09161, October 10, 2005	City of Fort Worth	Gary Lester	A request for a specified offense report.	(Relevant to this chart) GC §§ 552.101, 418.177, 418.178	Agency must release all submitted information.	The City argued that the submitted information “reveals sensitive information about detection and prevention of possible terrorist or related criminal activities, identifies details of particular vulnerabilities of person or property and critical infrastructures of certain areas of the City, and reveals the location of possible explosive weapons.” The OAG ruled that the City did not demonstrate the applicability of those provisions – the information did not constitute or reveal the contents of a vulnerability assessment; the city did not demonstrate nor did the submitted information show that it constituted or revealed the contents of a vulnerability assessment; nor did the City show nor was it evident that the submitted information would assist in the construction or assembly of an explosive weapon or weapon of mass destruction, indicate the specific location of material that would likely to be used in such a weapon or location of information relating to a potential vaccine or to a device that detects biological agents or toxins.

Attorney General Open Records Letter Opinions Concerning Terrorism or Terrorist Activities

Opinion No.	Agency	Requestor	Information Requested	Agency Argument(s)	Ruling	Basis for Ruling
OR2005-09339, October 14, 2005	City of Fort Worth	Karisa King, San Antonio Express-News	A request for information pertaining to the city's acquisition of certain "homeland security funds" awarded at the discretion of the governor's office.	(Relevant to this chart) GC §§ 552.101, 418.176, 418.177, 418.181	Agency must withhold part of the information under Ch. 418, but must release the remainder.	The OAG ruled that parts of the information were collected, assembled, or maintained by the City for the purpose of preventing, detecting, responding to, or investigating an act or terrorism and that relate to the staffing requirements of an emergency response provider. Other parts of the information related to risk or vulnerability assessment. However, the remaining information did not fall under 418.176, 418.177, or 418.181.
OR2005-09929, November 2, 2005	City of Dallas	Cecil Chambers	A request for the 2004 and 2005 Texas State Fair rosters of sworn personnel.	GC §§ 552.101, 418.176	Agency must withhold the submitted information.	The City of Dallas explained that the information "detail[ed] the personnel needed for security purposes at the Texas State Fair." Release of the information "could contribute to individuals being able to structure criminal activities or acts of terrorism based on police presence." Based on these arguments, the OAG ruled that the submitted information must be withheld under 418.176.

Attorney General Open Records Letter Opinions Concerning Terrorism or Terrorist Activities

Opinion No.	Agency	Requestor	Information Requested	Agency Argument(s)	Ruling	Basis for Ruling
OR2005-10106, November 8, 2005	City of Houston	Clark Main	A request for a copy of the Houston Fire Dept.'s Standard Operating Guidelines Manual.	GC §§ 552.101, 418.177, 418.176	The agency may not withhold any information under GC § 418.177; however, the AG determined that some of the submitted information was confidential under § 418.176.	The AG determined that portions of the submitted information consisted of tactical procedures and staffing requirements maintained "for the purpose of responding to an act of terrorism." The agency must withhold that information.
OR2005-11548, December 22, 2005	City of Rowlett	Richard Hoag, Five Land, Ltd.	A request for 22 categories of information related to the annexation of a particular property in the city.	(Relevant to this chart) GC §§ 552.101, 418.181	The agency must withhold all information submitted under 552.101 and 418.181.	The city successfully argued that the information "contains detailed maps of the water mains [and] show[s] the [c]ity's system of water supply which provides the water services for all citizens within the [c]ity . . . [showing] the vulnerability of the [city's] critical infrastructure[.]"
OR2006-01769, February 23, 2006	City of Corpus Christi	Max Oliver, American Red Cross	A request for "maps showing city limits, zoning with texts, subdivisions with text, fire hydrants, street signs, lot numbers with parcel data, and parks."	GC §§ 552.101, 418.181	The agency must withhold all information concerning the city's fire hydrant system. (Note: The agency had submitted only the fire hydrant information to the OAG for a ruling.)	The city successfully argued that the city's fire hydrant system was a "public asset and system vital to the city's security, public health and safety, and therefore constitutes critical infrastructure." Release of the information could endanger the city drinking water supply, "exposing the city to potential acts of terrorism."

Attorney General Open Records Letter Opinions Concerning Terrorism or Terrorist Activities

Opinion No.	Agency	Requestor	Information Requested	Agency Argument(s)	Ruling	Basis for Ruling
OR2006-00430, January 12, 2006	Spring Branch ISD	OAG ruling did not give requestor's name; only copied agency's attorney	Request for "the contract between [Spring Branch ISD] and the successful bidder awarded the video surveillance installation and service contract for the year(s) of 2003, 2004, [and] 2005."	(Relevant to this chart) GC §§ 552.101, 418.182	Spring Branch ISD must withhold some of the submitted information under 552.101 and 418.182.	The agency successfully argued that "the information specifically describes security and video surveillance systems [at schools] . . . that are used to protect the district from terrorist activities or criminal activities related to terrorism. . . with this information, an individual can know what kind of equipment [the district] has, what kinds of materials are used, [and] what kinds of systems exist, . . . then figure out how to disarm such systems and bypass security."
OR2006-00357, January 10, 2006	New Braunfels Utilities	Saul Teska, KB Homes – San Antonio	Request for GIS sewer and water line data for the New Braunfels area.	(Relevant to this chart) GC 552.101, 418.181	The agency must withhold all information submitted under 552.101 and 418.181.	The agency successfully argued that the submitted information "provides the exact location of the NBU water and sewer line infrastructure, including all system interconnections and the location of booster pumps and lift stations, ground storage facilities, fire hydrants, and control valves . . . [identifying] the areas most vulnerable to contamination or service disruption . . . [exposing] NBU and its customers to potential acts of terrorism."

Attorney General Open Records Letter Opinions Concerning Terrorism or Terrorist Activities

Opinion No.	Agency	Requestor	Information Requested	Agency Argument(s)	Ruling	Basis for Ruling
OR2006-02535, March 14, 2006	City of Corpus Christi	Christopher J. Gale, Gale, Wilson & Sanchez	Request for all recordings, vehicle GPS locations tapes, and documents related to a specified arrest.	(Relevant to this chart) GC 552.101, 418.176	Agency must withhold records submitted under 552.101 and 418.176.	The agency successfully argued that the records (automatic vehicle locator, or AVL records) were “information collected, assembled, and maintained by the City of Corpus Christi . . . for the purpose of preventing, detecting, responding to, or investigating an act of terrorism or related criminal activity . . . [that the AVL records] are a technology requirement of the U.S. Dept. of Homeland Security . . . [and that the] records relate to staffing requirements of local area emergency response providers . . .”
OR2006-02913, March 24, 2006	City of Corpus Christi	Christopher J. Gale, Gale, Wilson & Sanchez	Request for all information related to a specified arrest, including automatic vehicle locator (AVL) records.	(Relevant to this chart) GC 552.101, 418.176	The agency must withhold all AVL records under 552.101 and 418.176.	(See above, OR2006-02535)

Attorney General Open Records Letter Opinions Concerning Terrorism or Terrorist Activities

Opinion No.	Agency	Requestor	Information Requested	Agency Argument(s)	Ruling	Basis for Ruling
OR2006-03253, March 31, 2006	Austin ISD	Matthew Obenauer, Austin American-Statesman	Request for the “[e]mergency preparedness plan related to flu pandemics or other diseases.”	GC 552.101, 418.176	The agency must withhold the submitted information under 552.101 and 418.176.	The agency successfully argued that its strategic plan for dealing with the management of a pandemic contains the “structure and overall actions” used by the agency in response to a pandemic, whether the pandemic is naturally occurring or caused by a terrorist act. The agency “demonstrated that the submitted information is maintained for the purpose of responding to an act of terrorism [and that the] district has been designated as a ‘first responder’ or emergency response provider in accordance with the dictates of [§] 418.176.”
OR2006-03660, April 12, 2006	Lake Travis ISD	David Lovelace	Request for “1) any and all electronic copies of the 2005-2006 budget of the [district’s] Special Services Department, and 2) any and all written, printed, and electronic copies of any and all documents related to the [district’s] emergency and crisis management.”	(Relevant to this chart) GC 552.101, 418.181, 481.182	The school district may not withhold any of the submitted information under either 418.181 or 418.182.	The district did not explain how school buildings are critical infrastructures under 418.181, nor is the school district’s Emergency and Crisis Management Plan a “security system as contemplated by section 418.182, [nor does it] contain information about a security system installed by the district.”

Attorney General Open Records Letter Opinions Concerning Terrorism or Terrorist Activities

Opinion No.	Agency	Requestor	Information Requested	Agency Argument(s)	Ruling	Basis for Ruling
OR2006-04657, May 5, 2006	City of Richardson	Dan Ronan, WFAA	Request for information related to a named consultant hired by the City of Richardson.	[Relevant to this chart] 552.101, 418.176, 418.177	Agency must withhold part of the information under § 418.176. None of the information may be withheld under § 418.177.	The agency demonstrated that part of the information was “maintained for the purpose of responding to an act of terrorism as it relates to an emergency response provider’s staffing requirements and tactical plan.” However, the agency failed to show that the remainder of the information could be protected under either § 418.176 or § 418.177 (vulnerability assessment).
OR2006-05138, May 17, 2006	City of McAllen	Juan Pablo Gutierrez	Request for a copy of the city’s emergency management plan and emergency communications plan.	552.101, 418.181	[Agency released some of the requested information voluntarily.] The agency must withhold the submitted information under § 418.181.	The agency showed that the submitted information “contain[ed] the ‘precise information as to the communications capabilities of various national, state, county, and local government entities, as well as some private entities that all coordinate responses to natural and man-made disasters, acts of terrorism, and related criminal activity,’” and that “ ‘release of the information at issue would reveal particular vulnerabilities in the city’s plans and abilities to respond to acts of terrorism.’”

Attorney General Open Records Letter Opinions Concerning Terrorism or Terrorist Activities

Opinion No.	Agency	Requestor	Information Requested	Agency Argument(s)	Ruling	Basis for Ruling
OR2006-05284, May 19, 2006	Port of Houston Authority	Ogden, Gibson, White, Brooks & Longoria, LLP	A request for contracts and communications regarding contracts for security management and a list of employees with authority issued cell phones.	[Relevant to this chart] 552.101, 418.176, 418.177	Portions of the submitted information must be withheld under 418.177. None of the submitted information may be withheld under 418.176, and the remainder of the information also may not be withheld under 418.177.	The agency demonstrated that a portion of the submitted material must be withheld because the information “ ‘ describes changes the authority must implement at its wharves to satisfy certain Coast Guard regulations that were implemented under the federal Maritime Transportation Security Act of 2002 that require the authority to evaluate its vulnerabilities and address those vulnerabilities through a security plan.”
OR2006-05472, May 24, 2006	City of Missouri City	Linda Johnson	A request for the “ ‘date of hire, first name, shift times, [and] disciplinary action’” of department officers involved in the January 17, 2006 and February 28, 2006 arrests of a named individual.”	552.101, 418.176	[The agency voluntarily released some of the requested information except for the submitted shift information.] The agency must withhold all the submitted information under 418.176.	The agency demonstrated that “the shift information at issue reveals information about the city police department’s staffing levels and, thus, its tactical plans.”
OR2006-05625, May 30, 2006	City of Laredo	Juan Gutierrez	A request for the city’s ‘ “emergency management plan and emergency communications plan.”’	552.101, 418.176	The agency must withhold the submitted information under 418.176.	The agency demonstrated that the submitted information “is the city’s approach and scheme for preventing, detecting, responding to, or investigating an act of terrorism or related criminal activity.”

Attorney General Open Records Letter Opinions Concerning Terrorism or Terrorist Activities

Opinion No.	Agency	Requestor	Information Requested	Agency Argument(s)	Ruling	Basis for Ruling
OR2006-05759, June 1, 2006	El Paso County Hospital District d/b/a R.E. Thomason General Hospital	Carmen G. Munoz	Request for “a list of all employees of the hospital including . . . employee name, employee identification number, employee department, supervisor name, date of hire, current job classification and rate of pay, job classification and pay rate history.”	[Relevant to this chart] 552.101, 418.180	[Agency did not submit information concerning employee identification numbers or job classification and pay rate history; AG assumed it was released, but said agency had to release it if it had not already done so.] The agency cannot withhold the submitted information under 418.180.	The agency failed to show that the requested information was part of a report to a United States agency; also, the agency failed to show that the information was “specifically required to be kept confidential as provided by section 418.180(3); finally, the agency failed to “explain how the requested information relates to an act of terrorism or related criminal activity.”
OR2006-06043, June 8, 2006	Texas A&M University System	The Sunshine Project	Request for (1) “the entire Expression of Interest (EOI) in the National Bio- and Agro-terrorism Facility (NBAF) recently by [TAMU] to the Dept. of Homeland Security” and (2) “all correspondence with Kay Bail Hutchinson or John Cornyn, or their staff, in relation to [TAMU’s] interest in the NBAF facility.”	§ 552.104 (note: although this opinion did not deal with Chapter 418, the confidentiality issue was an interesting twist).	TAMU notified the OAG and the requestor that it did not have information responsive to the second part of the request. The OAG ruled that TAMU must withhold the information submitted relating to the first part of the request.	Because disclosure of TAMU’s EOF could harm its competitive position (among 12 other bidders for the NBAF), TAMU must withhold the submitted information at this time.
OR2006-06282, June 14, 2006	City of Corpus Christi	Sandra J. Bockelman	Request for any documents related to the implementation of the city’s wireless network, including any maps that depict the geographic progression of the network expansion; also, the city’s RFP for the wireless network system, Northrop Grumman’s response to the RFP, and the contract between Northrop and the city.	(Relevant to this chart) Exhibit A is confidential under §§ 552.101, 418.179(a)(2), 418.181.	Certain marked information in Exhibit A must be withheld under § 418.181. None of the remaining information may be withheld under § 418.179(a)(2); all the remaining information in the exhibit must be released.	Because of the city’s arguments concerning the marked information in Exhibit A, the OAG agreed that the information “identify[ed] the technical details of particular vulnerabilities of critical infrastructure to an act of terrorism. . .”

Attorney General Open Records Letter Opinions Concerning Terrorism or Terrorist Activities

Opinion No.	Agency	Requestor	Information Requested	Agency Argument(s)	Ruling	Basis for Ruling
OR2006-06481, June 21, 2006	City of Fort Worth	Ms. Kimberly Paulus; Mr. Bo Trainer	Two similar requests for “ARC GIS compatible layer file for current and future planned water and sewer lines” in certain areas.	§§ 552.101; 418.181	The submitted information is confidential in its entirety.	The city successfully explained what the requested information involved and how release of the information, if it fell into the wrong hands, could make the city’s water supply vulnerable to strategically placed toxins.
OR2006-06678, June 23, 2006	City of Austin	Barbara Terrell	Two requests from the same requestor for thirteen categories of information relating to the Austin Joint Terrorism Task Force (JTTF), the FBI, the Family Violence Protection Team, the department, and several police reports.	(Relevant to this chart) §§ 552.101, 418.176, 418.177 (note: The City released some of responsive information; it did not have responsive information for four categories of the requests.)	Certain marked information in Exhibit A must be withheld under § 418.177.	The OAG ruled that portions of Exhibit A are confidential under 418.177 because the marked portions “establish and delineate the mission and structure of the Austin JTTF. . . release would allow would-be terrorists to conduct . . . [an] assessment which could effect countermeasures when planning a terrorist operation.”
OR2006-06742, June 26, 2006	City of Houston	Keith Plocek, Houston Press	Request for any internal or external department communications related to two named individuals including investigative reports and communications with state and federal agencies.	(Relevant to this chart) §§ 552.101, 418.177	The City cannot withhold the submitted information under § 418.177.	The City “failed to establish that the submitted information is maintained for the purpose of preventing, detecting, or investigating an act of terrorism or related criminal activity . . . [nor does it] constitute [or] reveal the contents of a vulnerability assessment.”
OR2006-06985, June 29, 2006	City of Friendswood	Travis Cheek	Request for the badge numbers and picture identifications of all male officers employed by the Friendswood Police Department.	(Relevant to this chart) §§ 552.101, 418.176	The City may not withhold the information under § 418.176.	The City failed to provide “arguments explaining how the badge numbers fall within the scope of this provision” and so “failed to demonstrate the applicability of [§ 418.176] to the requested badge numbers.”

Attorney General Open Records Letter Opinions Concerning Terrorism or Terrorist Activities

Opinion No.	Agency	Requestor	Information Requested	Agency Argument(s)	Ruling	Basis for Ruling
OR2006-07471, July 13, 2006	City of Corpus Christi	Christopher J. Gale	Two requests from the same requestor for “information pertaining to two specified traffic stops, including MDT recordings.” The agency said that it did not have any information responsive to the request for MDT recordings; it was releasing some other responsive information.	(Relevant to this chart) §§ 552.101, 418.176, 418.181	Some of the submitted information (the AVL records) are confidential under § 418.176 and must be withheld. The arguments for confidentiality under § 418.181 were not addressed because the AG ruled that the information was to be withheld under § 418.176.	Among its arguments, the city stated that the AVL records are a technology requirement of the U.S. Dept. of Homeland Security and “relate to the staffing requirements of local area emergency response providers, including the [city].” These and other arguments persuaded the AG that the AVL records were confidential under § 418.176.
OR2006-07520, July 13, 2006	City of Fort Worth	John David Hart, Law Offices of John David Hart	Request for the “city’s policies and procedures pertaining to 911 calls.”	[Relevant to this chart] §§ 552.101, 418.176, 418.177, 418.181	The city may not withhold any of the submitted information under §§ 552.101, 418.176, 418.177, 418.181. The information, other than some that the AG marked to withhold under 552.108, must be released.	The city, in generally asserting that the information was “collected and assembled or is maintained for the purpose of preventing, detecting, responding to, and investigating possible terrorist . . . activity,” failed to explain or show how §§ 418.176, 418.177, or 418.181 applied.

Attorney General Open Records Letter Opinions Concerning Terrorism or Terrorist Activities

Opinion No.	Agency	Requestor	Information Requested	Agency Argument(s)	Ruling	Basis for Ruling
OR2006-08587, August 2, 2006	Tarrant County	Robert Enright	Request from the Tarrant County Facilities Department concerning the Green Bay Detention Facility between January 1, 2006 and May 1, 2006, including (1) contracts and specifications for the removal of asbestos from any areas of the building; (2) contracts and specifications for other construction and cleaning projects; (3) copies of change orders and related memoranda and bills for extra work; and (4) all work orders for miscellaneous work such as cleaning and removing debris.	(Relevant to this chart) §§ 552.101, 418.176, 418.177, 418.179, 418.180, 418.181	The county may not withhold any of the information under §§ 552.101 and 418.176, 418.177, 418.179, 418.180, 418.181.	The county failed to show how any of the asbestos abatement and expansion of the Green Bay Detention Facility information related to those statutes.
OR2006-08997, August 9, 2006	City of Friendswood	Joseph E. Collins	Request for all outgoing e-mails of sixteen named employees from January 1, 2002 to May 5, 2006.	(Relevant to this chart) GC §§ 552.101, 418.176	The agency must release the information claimed under § 418.176.	The agency failed to demonstrate how § 418.176 applied to the submitted information. “The fact that information may relate to a governmental body’s security concerns does not make the information per se confidential under the Texas Homeland Security Act . . . 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.”

Attorney General Open Records Letter Opinions Concerning Terrorism or Terrorist Activities

Opinion No.	Agency	Requestor	Information Requested	Agency Argument(s)	Ruling	Basis for Ruling
OR2006-09980, August 29, 2006	City of Friendswood	Rene Carter	Request for “use of force” documents, reports, and policies for a given time period.	(Relevant to this chart) GC §§ 552.101, 418.176	The agency must release the information claimed under § 418.176.	The agency failed to demonstrate how § 418.176 applied to the submitted information. “The fact that information may relate to a governmental body’s security concerns does not make the information per se confidential under the Texas Homeland Security Act . . . 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.”
OR2006-10219, August 31, 2006	City of Austin	Bill Bunch, Save Our Springs Alliance	Request for information pertaining to the city’s Endangered Species Act Action 10(a) permit for management and operation of Barton Springs Pool.	(Relevant to this chart) GC §§ 552.101, 418.181	The agency must withhold submitted maps under § 418.181.	The agency demonstrated that releasing the submitted maps would reveal vulnerabilities in the city’s drinking water supply system (critical infrastructure).
OR2006-10522, September 11, 2006	City of Lorena	Ross Taylor	Request for maps of the city’s water and sewer system.	GC §§ 552.101, 418.181	The city must withhold the submitted information.	The city adequately explained how and why release of the submitted maps would make the city’s critical infrastructure vulnerable.
OR2006-10524, September 11, 2006	Texans Can!	Carlos Bido, Acento Films	Request for the recorded footage of the Texans Can! Cars for Kids facility from the date of a named person’s purchase “and any other [video files] that may reveal all the activities around the time of the incident.”	(relevant to this chart) GC §§ 552.101, 418.182	The agency must release the information.	The agency failed to show how § 418.182 applied to the video footage, and the agency had also already allowed a member of the public to view the video footage.

Attorney General Open Records Letter Opinions Concerning Terrorism or Terrorist Activities

Opinion No.	Agency	Requestor	Information Requested	Agency Argument(s)	Ruling	Basis for Ruling
OR2006-10645, September 13, 2006	City of Magnolia	Richard Anderson	Request for a list of city cellular phone numbers and those employees to whom the phones are assigned.	(relevant to this chart) GC §§ 552.101, 418.176	Some of the cell phone numbers must be withheld – the city manager’s, the city manager’s assistant, the city secretary’s, and the police chief’s.	The city showed that certain individuals are part of the city’s emergency response plan team, which responds to terrorist and biological attacks or related criminal activity. Release of the numbers could cause massive overloading of messages or calls sent to these numbers, and the cell phones would become useless.
OR2006-10765, September 16, 2006	Rosenberg Police Department	Kevin Taylor	Request for personnel, disciplinary, and administrative records pertaining to five named department police officers since 2001.	(relevant to this chart) GC §§ 552.101, 418.176	The city may not withhold any of the submitted information under § 418.176.	The city failed to show how § 418.176 applied.
OR2006-11312, September 28, 2006	Dallas County Sheriff’s Department	Kevin Krause, The Dallas Morning News	Request for all information relating to “take home vehicles assigned to Dallas County Sheriff’s employees, including but not limited to the make and model of the vehicle, the name and job title of the employee, annual mileage accrued by each vehicle and the date the vehicle was issued.”	(relevant to this chart) GC §§ 552.101, 418.176	No portion of the submitted information may be withheld under § 418.176.	The agency failed to disclose how § 418.176 applied to the submitted information.
OR2006-11647, October 5, 2006	County of Henderson	Aimee Norton	Request for the county’s cellular telephone bills from Cellular One for a specified time period.	(relevant to this chart) GC §§ 552.101, 418.176	None of the submitted information may be withheld under § 418.176 of the Government Code.	The agency failed to disclose how § 418.176 applied to the submitted information.

Attorney General Open Records Letter Opinions Concerning Terrorism or Terrorist Activities

Opinion No.	Agency	Requestor	Information Requested	Agency Argument(s)	Ruling	Basis for Ruling
OR2006-11772, October 10, 2006	City of Murphy	Angie Eisenzopf, Murphy Messenger	Request for (1) a copy of the Job Listing/Requirements for city manager; (2) a copy of the resumes of everyone who applied for the position of city manager for a specified time; (3) a copy of the daily water tally for a specified period of time, and (4) an hourly record of consumption and amount of water storage for a specified period of time.	GC §§ 552.101, 418.181	The city must release the submitted information to the requestor (no other exceptions to disclosure were raised).	The city failed to identify the technical details of “particular vulnerabilities of critical infrastructure to an act of terrorism. . .”
OR2006-11806, October 10, 2006	Nueces County Public Works Department	Dan Kelley, Corpus Christi Caller-Times	Request for a floor plan of the first floor of the Nueces County courthouse.	GC §§ 552.101, 418.181	The county must withhold the submitted information under § 418.181.	The county both informed and showed the OAG how § 418.181 applied to the submitted information.

Attorney General Open Records Letter Opinions Concerning Terrorism or Terrorist Activities

Opinion No.	Agency	Requestor	Information Requested	Agency Argument(s)	Ruling	Basis for Ruling
OR2006-13186, November 7, 2006	City of Arlington	Ft. Worth Star-Telegram	Request for the architectural drawings, renderings, designs, plans, and specifications of the Dallas Cowboys Complex.	(Relevant to this chart) GC §§ 552.101, 418.181, 418.182	The Texas Homeland Security Act does not apply to the submitted information.	The City did not raise any exceptions to disclosure but notified the Dallas Cowboys' representative (Cowboys) of their right to provide briefing to the OAG. The Cowboys raised the exceptions. Although the Cowboys did show that the submitted information constituted critical infrastructure, they failed to show that the information identified "the technical details of particular vulnerabilities" to an act of terrorism. The documents did not back up the arguments. Also, the Cowboys did not submit any arguments backing up their claim under § 418.182 and so "failed to demonstrate the applicability of the Texas Homeland Security Act to the submitted information."

Attorney General Open Records Letter Opinions Concerning Terrorism or Terrorist Activities

Opinion No.	Agency	Requestor	Information Requested	Agency Argument(s)	Ruling	Basis for Ruling
OR2006-13871 (November 27, 2006)	Houston Area Water Corporation (HAWC) (part of the City of Houston)	Robert A. Plessala	Request for five categories of documents related to the EWP, SEWPP, NEWPP, Groundwater Systems, Untreated Water Conveyance Systems, and Water Transmission and Distribution Systems.	[Relevant to this chart] GC §§ 552.101, 417.177	The agency must withhold the submitted information.	The agency argued that the submitted information identifies security enhancements and protective measures taken by HAWC to prevent, detect, or investigate terrorist activity as well as vulnerability assessments of the City's water systems. The agency also argued that disclosure of the submitted information regarding HAWC's water distribution facilities "would have obvious and potentially disastrous implications to the ability of the [City] and HAWC to safeguard the water supplied by the City's and [HAWC's] purification plants."
OR2006-14299, December 6, 2006	Town of Flower Mound	Clay Jones	Request for utility plans and other information relating to the Roanoke Hills subdivision.	GC §§ 552.101, 418.181 (City will release some of the requested information.)	The submitted information must be withheld.	The agency argued that the submitted information pertains to utility lines in the Roanoke Hills subdivision and contended, "the information identifies technical details of the town's infrastructure that could be used by terrorists to disrupt governmental functions or adversely affect public health."

Attorney General Open Records Letter Opinions Concerning Terrorism or Terrorist Activities

Opinion No.	Agency	Requestor	Information Requested	Agency Argument(s)	Ruling	Basis for Ruling
OR2006-14574, December 12, 2006	Houston Fire Department	Joe McLaughlin, Service Employees Int'l. Union	Request for information pertaining to six specified high-rise buildings.	The property managers of the six high-rises submitted briefing under GC § 552.305. The argument relevant to this chart was that the submitted information was confidential under GC §§ 552.101, 418.176, and 418.181.	None of the submitted information may be withheld under §§ 418.176 or 418.181.	The AG ruled that the property managers did not demonstrate that the submitted information was being maintained for the purpose of responding to an act of terrorism; nor did they demonstrate how the buildings at issue constitute a critical infrastructure.
OR2006-14727, December 14, 2006	City of Arlington	Jeff Mosier	Request for the architectural drawings of the Dallas Cowboys Complex.	[Relevant to this chart] GC §§ 552.101, 418.176,418.181	The X sheets, 200 series, 700 series, and 1200 series must be withheld under § 418.176. The 300, 400, 600, and 800 series must be withheld under § 418.181.	In its previous ruling on the preliminary drawings of the Dallas Cowboys Complex (OR2006-13186), the OAG had ruled that the Complex is critical infrastructure under GC § 421.001. The City explained that the submitted documents are technical drawings that detail the method of construction of the floors, walls, ceilings, roof, doors, corridors, entrances, and exits of the Complex. The City also submitted affidavits from the asst. fire chief and deputy chief of police. The affidavits explained how the drawings reveal the vulnerabilities of the Complex and “how a would-be terrorist could use such information to his advantage.” The affidavits also explain how information in the drawings is used to determine response strategies for incident mitigation and rescue.

Attorney General Open Records Letter Opinions Concerning Terrorism or Terrorist Activities

Opinion No.	Agency	Requestor	Information Requested	Agency Argument(s)	Ruling	Basis for Ruling
OR2006-15113, December 27, 2006	City of Austin	Mariann Morelock, Strategic Partnerships, Inc.	Request for responses submitted by Amoresco, Inc., Chevron Energy Solutions, and Tour Andover Controls to the City's Request for Statement of Qualifications for Comprehensive Energy Efficiency Services.	[Relevant to this chart] GC §§ 552.101, 418.181	The City may not withhold any of the submitted information under any of the provisions of GC Ch. 418.	The City did not adequately identify or explain how release of this information would reveal the technical details of particular vulnerabilities of critical infrastructure to an act of terrorism and so did not demonstrate how the information could be confidential under § 418.181.
OR2007-00272, January 8, 2007	City of Lubbock	Cecilia Jones, News Channel 11	Request for e-mails sent and received by three named individuals during a specific time period.	(City released some information to the requestor.) [Relevant to this chart] GC §§ 552.101, 418.176, 418.177, 418.181	The City was seeking to withhold Exhibit K under GC §§ 418.176, 418.177, and 418.181. The AG ruled that the City could not withhold any of the information in Exhibit K under any of those sections of the Government Code.	The City generally asserted that the information in Exhibit K was collected and assembled or is maintained for the purpose of preventing, detecting, responding to, and investigating possible terrorist or related criminal activity. The AG noted that §§ 418.176, 418.177, and 418.181 apply only to certain clearly defined categories of information. The City did not mark the information that it believed was confidential, nor did it explain which sections were applicable or why they were applicable under §§ 418.176, 418.177, or 418.181.

Attorney General Open Records Letter Opinions Concerning Terrorism or Terrorist Activities

Opinion No.	Agency	Requestor	Information Requested	Agency Argument(s)	Ruling	Basis for Ruling
OR2007-00558, January 18, 2007	City of Marble Falls	Matthew Alan Canale	Request for information regarding municipal water lines.	GC §§ 552.101, 418.181	The submitted information must be withheld under GC § 418.181.	The City showed that the submitted information “reveals the exact location of all water main lines, including technical details of line sizes, water towers, water plant, and internal water systems points.” The City further explained that the City uses the information to “evaluate and determine the risk of contamination and to determine a proposed emergency response to intentional and accidental contamination to the city’s water supply[,]” and that the information could be used to “determine the most effective location to inject toxins or other biological contaminants in the water system[.]”

Attorney General Open Records Letter Opinions Concerning Terrorism or Terrorist Activities

Opinion No.	Agency	Requestor	Information Requested	Agency Argument(s)	Ruling	Basis for Ruling
OR2007-01115, January 30, 2007	City of Laredo	Thomas Piland, KGNS Television	Request for all frequencies used by the City including fire, police, and E.M.S. under the new digital trunk system, including coded and encoded frequencies.	Some of the requested information is being released to the requestor. [Relevant to this chart] GC §§ 552.101, 418.179	The submitted information must be withheld under § 418.179.	The City showed that the requested codes are maintained specifically and particularly for the purpose of maintaining confidential radio communications “so as to facilitate the prevention, detection, or investigation of an act of terrorism or related criminal activity.” Most of the requested encrypted codes were created under a Homeland Security Grant. Further, the City stated that release of the codes would “compromise the safety and strategies of the city’s police and fire departments in terrorism or criminally-related situations as persons would have access to personnel deployment information and other vital law enforcement information.”
OR2007-01159, January 31, 2007	Houston Fire Department (HFD)	Joe McLaughlin, SEIU Local 5	Request for information pertaining to a specified high-rise building, including safety plans; names, company, and certification dates of certified property mgrs. And tenant fire wardens; list of all fire drills conducted at the building in the last year.	The HFD took no position on the confidentiality of the information but notified the property management companies, WEDGE, that it may affect their proprietary interests (GC § 552.305). Confidentiality claimed by WEDGE: [relevant to this chart] GC §§ 552.101, 418.182	The submitted information may not be withheld under § 418.182.	GC § 418.182 refers to a security system located on the premises, such as an alarm system or a security camera system. The submitted information is not a security system under GC § 418.182, nor does it contain information about a security system installed on the premises.

Attorney General Open Records Letter Opinions Concerning Terrorism or Terrorist Activities

Opinion No.	Agency	Requestor	Information Requested	Agency Argument(s)	Ruling	Basis for Ruling
OR2007-01601, February 7, 2007	Austin Independent School District (AISD)	Joel Riffée, Austin Claims Office	Request for a specified incident report.	GC §§ 552.101, 418.176, 418.177, 418.181	The submitted information may not be withheld under GC §§ 418.176, 418.177, 418.181.	The AISD did not demonstrate that the submitted information is confidential under GC Chapter 418. The submitted report is an investigation of suspicious activity at a district school that AISD stated was “potentially related to terrorism or related criminal activity.” Although AISD stated that it was an emergency response provider, the submitted information does not relate to staffing requirements or a tactical plan. The submitted information also does not relate to a risk or vulnerability assessment of persons or property in the event of a terrorist act or related criminal activity. Further, AISD does not explain, and the submitted information does not show, how the submitted information identifies technical details of “vulnerabilities of critical infrastructure to an act of terrorism.”

Attorney General Open Records Letter Opinions Concerning Terrorism or Terrorist Activities

Opinion No.	Agency	Requestor	Information Requested	Agency Argument(s)	Ruling	Basis for Ruling
OR2007-01865, February 13, 2007	Corpus Christi Police Department (CCPD)	Trey Isaacks, Sagem Morpho, Inc.	Request for information related to the City of Corpus Christi's Automated Fingerprint Identification System (AFIS) award.	[Relevant to this chart] GC §§ 552.101, § 418.181.	The CCPD may not withhold any of the submitted information under § 418.181.	The CCPD failed to explain how releasing information from the submitted information, which consisted of bid proposals for the AFIS equipment and service, would reveal the technical details of particular vulnerabilities of the City of Corpus Christi's critical infrastructure to an act of terrorism.
OR2007-02381, February 28, 2007	City of Laredo	Tricia Cortez, Laredo Morning Times	Request for a copy of the local comprehensive emergency response plan.	GC §§ 552.101, 418.176	The submitted information must be withheld under GC § 418.176.	The AG noted that the submitted information was the "City of Laredo Emergency Management Plan." The AG agreed with the City that this information is the City's "approach and scheme for preventing, detecting, responding to, or investigating an act of terrorism or related criminal activity."

Attorney General Open Records Letter Opinions Concerning Terrorism or Terrorist Activities

Opinion No.	Agency	Requestor	Information Requested	Agency Argument(s)	Ruling	Basis for Ruling
OR2007-02869, March 15, 2007	City of Frisco	Dakota T. Patterson, Dakota Risk Group, Inc.	Request for a proposal submitted by Ruiz Protective Services, Inc. for a contract for unarmed security services.	GC §§ 552.101, 418.181, 418.182	None of the information may be withheld under § 418.182; the AG marked the information that must be withheld under § 418.181.	The submitted information, which related to the provision of unarmed security guard services, did not pertain to § 418.182. Section 418.182 protects information related to a security system, such as an alarm or security camera system, located on the premises of public or private property. However, portions of the submitted information were protected by § 418.181 because the City contended that that submitted information identified technical details of certain key public facilities, which would show the possible vulnerabilities of critical infrastructure.
OR2007-03556, March 30, 2007	City of Fort Worth	Jesse Pitt	Request for four categories of information pertaining to cameras operated by the City.	[Relevant to this chart] GC §§ 552.101, 418.182	The City must withhold the submitted information under § 418.182.	The City asserted and the AG agreed that the submitted information related 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.

Attorney General Open Records Letter Opinions Concerning Terrorism or Terrorist Activities

Opinion No.	Agency	Requestor	Information Requested	Agency Argument(s)	Ruling	Basis for Ruling
OR2007-03336A, April 6, 2007 (substitution for OR2007-03336, issued March 27, 2007)	Dept. of Public Safety	Brandi Grissom, El Paso Times	Request for reports and statistical data related to Operation Rio Grande and Operation Linebacker.	[Relevant to this chart] GC §§ 552.101, 418.176, 418.177	The AG marked information that must be withheld under § 418.176. None of the remaining submitted information may be withheld under § 418.177.	Upon review of the arguments and submitted information, the AG determined that most of the submitted information was collected, assembled, or maintained by or for a governmental entity for the purpose of preventing, detecting, responding to, or investigating an act of terrorism or related criminal activity and relates to a tactical plan of the provider. This marked information must be withheld under § 418.176. For the remaining information, the agency failed to show that the information related to an assessment of the risk or vulnerability of persons or property to an act of terrorism or related criminal activity. Section 418.177 would not apply.
OR2007-04516, April 20, 2007	City of Amarillo	Sean Thomas, Amarillo Globe-News	Request for information relating to Operation Wrangler or the border security enhancement operations program.	[Relevant to this chart] GC §§ 552.101, 418.176	The submitted information, marked by the AG, must be withheld under § 418.176.	The AG agreed with the City that the submitted information consisted of information that was collected, assembled, or maintained by or for a governmental entity for the purpose of preventing, detecting, responding to, or investigating an act of terrorism or related criminal activity and related to a tactical plan of the provider.

Attorney General Open Records Letter Opinions Concerning Terrorism or Terrorist Activities

Opinion No.	Agency	Requestor	Information Requested	Agency Argument(s)	Ruling	Basis for Ruling
OR2007-04579, April 23, 2007	Dept. of Public Safety	Sean Thomas, Amarillo Globe-News	Request for information relating to Operation Wrangler or the border security enhancement operations program.	[Relevant to this chart] GC §§ 552.101, 418.176, 418.177.	Agency must use OR2007-03336A (March 27, 2007) as a previous determination. The agency must withhold or release in accordance with that ruling. In this case, the submitted information must be withheld pursuant to GC § 418.176.	The submitted information consisted of information that was collected, assembled, or maintained by or for a governmental entity for the purpose of preventing, detecting, responding to, or maintained by or for a governmental entity for the purpose of preventing, detecting, responding to, or investigating an act of terrorism or related criminal activity and related to a tactical plan of the provider.
OR2007-04805, April 26, 2007	City of Austin	Judy Breese	Request for the responses to a request for proposals for telecommunications and internet communications services for Austin Bergstrom International Airport.	[Responsive to this chart] GC §§ 552.101, 418.181	None of the submitted information may be withheld under GC § 418.181.	The information that the City sought to withhold under 418.181 was roughly the same information as the information that Time Warner sought to withhold under GC § 552.110 (trade secrets, proprietary information). The AG ruled that most of the submitted information should be withheld under § 552.110 and so did not need to consider whether it also fell under § 418.181. For the remaining information items to be considered under § 418.181, the AG ruled that neither the City nor Time Warner adequately explained how the information revealed technical details of particular vulnerabilities of the airport communication network.

Attorney General Open Records Letter Opinions Concerning Terrorism or Terrorist Activities

Opinion No.	Agency	Requestor	Information Requested	Agency Argument(s)	Ruling	Basis for Ruling
OR2007-04863, April 27, 2007	Port of Houston Authority (PHA)	Joseph R. Larsen	Request for any and all contracts pertaining to port security management of the Port of Houston Authority since March 2, 2001; any and all internal or external communications related to such port security management contracts since March 2001; any and all port-issued cellular telephone numbers and who they are issued to, with a list of those employees, their positions, and their salaries.	[Relevant to this chart] GC §§ 552.101, 418.176, 418.177, 418.181	The AG marked the information in Exhibit 1 that must be withheld pursuant to § 418.176; the cellular telephone numbers in Exhibit 2 must be withheld under § 418.176; none of Exhibit 3 may be withheld under §§ 418.176, 418.177, or 418.181.	PHA demonstrated that parts of Exhibit 1 “reflect staffing requirements developed by [PHA] specifically for the purpose of preventing, detecting, and responding to acts of terrorism or related criminal activity,” and relate to the PHA’s tactical plans. The AG also ruled that cellular telephone numbers in Exhibit 2 were confidential under § 418.176 because they relate to an emergency response provider’s staffing requirements, tactical plan, or list of pager or telephone numbers. PHA failed to show that Exhibit 3 or any of the remaining information in Exhibit 1 was confidential under § 418.176, 418.177, or 418.181.
OR2007-05671, May 10, 2007	Governor’s Office	Jake Bernstein, The Texas Observer	Two requests for numerous categories of information pertaining to specified operations.	[Relevant to this chart] GC §§ 552.101, 418.176	The agency must withhold the submitted information under § 418.176.	The AG ruled that the submitted information consisted of information that was collected, assembled, or maintained by or for a governmental entity for the purpose of preventing, detecting, responding to, or investigating an act of terrorism or related criminal activity and relates to a tactical plan of the provider.

Attorney General Open Records Letter Opinions Concerning Terrorism or Terrorist Activities

Opinion No.	Agency	Requestor	Information Requested	Agency Argument(s)	Ruling	Basis for Ruling
OR2007-05725, May 11, 2007	City of Boerne	Mike Morton, Friends of the Cibolo Wilderness	Request for information pertaining to a wastewater treatment plant relocation.	[Relevant to this chart] GC §§ 552.101, 418.181	The City must withhold Exhibit H from disclosure under § 418.181.	The City demonstrated that Exhibit H contained “technical details” of “water lines, sewer lines, [and] underground electric lines[.]” The City argued that release of the submitted information would “expose potential vulnerabilities of the system by showing a potential terrorist where the most damage could be inflicted by disrupting service to mains as opposed to smaller tributaries.”