



Office of Public Information

October 16, 2019

Office of the Attorney General
Open Records Division
P.O. Box 12548
Austin, Texas 78711

VIA CMRRR: 70190700000041428788

Re: Public Information Act Disclosure Determination Request PIR #19274_40_Dolan

Dear Sir or Madam:

On September 25, 2019, Katy Independent School District (referred to herein as “Katy ISD or “District”) received a request for information (the “Request”) from Mr. Sean Dolan. For your reference, a copy of the Request has been attached hereto as Exhibit A. Katy ISD believes some information sought may not be subject to public disclosure or may be private under current law. As such, the District wishes to obtain a ruling on withholding from public disclosure such information and asserts Texas Government Code Sections 552.101 (Confidentiality under Specific Statutes and Judicial Decision), and/or other laws under 552.022 or other law or other rules requiring confidentiality, apply to information sought in the Request. The District seeks the opinion of the Office of the Attorney General regarding whether it may withhold certain information sought in the Request and respectfully requests your determination as to whether the exception to required disclosure asserted by Katy ISD applies to such information sought in the Request.

As noted, the Request was received by the District on September 25, 2019. Katy ISD submitted its “10-Day Letter” on October 9, 2019. Katy ISD asserts that this request is timely under the Texas Government Code.

In the Request, the Requestor seeks the “case file, along with all associated documentation and images, for the trespassing case against me on March 19th, 2019.”

Katy ISD submits this letter – along with the subject information, which is attached as Exhibit B, to explain why it should be permitted to withhold or redact such information. Katy ISD seeks the opinion of the Office of the Attorney General as to whether it may withhold or redact certain information responsive to the Request.

§ 552.101 & 418.182

Pursuant to Texas Government Code Chapter 552, Katy ISD respectfully requests your determination as to whether the following exceptions to required disclosure apply: section 552.101

and Texas Government Code § 418.182. Section 552.101 excepts from disclosure “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.” Tex. Gov’t Code § 552.101. This exception encompasses information other statutes make confidential. Section 418.182 was added to the Texas Government Code as part of the Texas Homeland Security Act (“HSA”). Section 418.182 provides in part:

- (a) Except as provided by Subsections (b) and (c), information, including access codes and passwords, in the possession of a governmental entity that relates to the specifications, operating procedures, or location of a security system used to protect public or private property from an act of terrorism or related criminal activity is confidential.

In *Tex. Dep’t of Pub. Safety v. Abbott*, 310 S.W.3d 670 (Tex. App.—Austin 2010, no pet.), the court found video recordings containing images recorded by security cameras in the Texas Capitol hallway were confidential under section 418.182 of the HSA because the specifications of the security system includes the cameras’ capabilities and the video recording demonstrated those capabilities through characteristics, quality, and clarity of images recorded. The court recognized that “the legislature cast a protective shroud over all information that relates to the specifications, thereby giving section 418.182(a) quite a broad reach in protecting information regarding security systems designed to protect public property. *Id.* at 676.

[REDACTED]

[REDACTED]

Katy ISD respectfully requests that the office of the Attorney General advise Katy ISD on the District’s duty of release of any of the documents **or portions** of documents so submitted. By

redacted copy of this letter, I am hereby notifying the requestor of the District's request for opinion from the office of the Attorney General.

Thank you for your attention in this matter.

Sincerely,

Public Information Office
KATY INDEPENDENT SCHOOL DISTRICT

Enclosures

(cc: redacted w/o enclosures)

Mr. Sean Dolan

VIA EMAIL: sean@abetterlegacy.com