KEN PAXTON
ATTORNEY GENERAL OF TEXAS

June 2, 2026

Mr. Austin R. Beck
Counsel for the City of Mount Pleasant
Davidson Troilo Ream Garza, P.C.
601 Northwest Loop 410, Suite 100
San Antonio, Texas 78216

OR2026-018153

Dear Mr. Beck:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 26-009561.

The City of Mount Pleasant (the "city") received a request for certain information pertaining to a specified location. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information. We have also received and considered comments from the requestor. *See* Gov't Code § 552.304 (interested party may submit comments stating why the information should or should not be released).

Initially, we note the requestor states the city may have released some of the information at issue in response to a prior request for information under the Act. We note the Act does not permit selective disclosure of information to the public. *See* Gov't Code §§ 552.007(b), .021; Open Records Decision No. 463 at 1-2 (1987). Information that has been voluntarily released to a member of the public may not subsequently be withheld from another member of the public, unless public disclosure of the information is expressly prohibited by law or the information is confidential under law. *See* Gov't Code § 552.007(a); Open Records Decision Nos. 518 at 3 (1989), 490 at 2 (1988), 400 (1983) (governmental body may waive right to claim permissive exceptions to disclosure under Act, but it may not disclose information made confidential by law). Accordingly, the city may not withhold the previously released information unless its release is expressly prohibited by law or the information is confidential by law. *See* Open Records Decision No. 665 at 2 n.5 (2000) (discretionary exceptions generally). We note, section 552.101 makes information

confidential under the Act. Therefore, we will consider the applicability of these exceptions to the information at issue.

Section 552.101 of the Government Code excepts from public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. Section 552.101 encompasses information protected by chapter 418 of the Government Code. As part of the Texas Homeland Security Act (the "HSA"), sections 418.176 through 418.182 were added to chapter 418 of the Government Code. These provisions make confidential certain information related to terrorism. Section 418.181 of the Government Code provides the following:

> Those documents or portions of documents in the possession of a governmental entity are confidential if they identify the technical details of particular vulnerabilities of critical infrastructure to an act of terrorism or a hostile act by a foreign adversary of the United States.

Id. § 418.181; *see also id.* § 421.001(2) (defining "critical infrastructure" to include all public or private assets, systems, and functions vital to security, governance, public health and safety, economy, or morale of state or nation). The fact that information may relate to a governmental body's security concerns does not make the information *per se* confidential under the HSA. *See* Open Records Decision No. 649 at 3 (1996) (language of confidentiality provision controls scope of its protection). Furthermore, the mere recitation by a governmental body of a statute's key terms is not sufficient to demonstrate the applicability of a claimed provision. As with any exception to disclosure, a governmental body asserting one of the confidentiality provisions of the HSA must adequately explain how the responsive records fall within the scope of the claimed provision. *See* Gov't Code § 552.301(e)(1)(A) (governmental body must explain how claimed exception to disclosure applies).

The city states some of the information at issue consists of technical drawings and details of the fire safety system of a commercial building. The city asserts, and we agree, the system at issue constitutes critical infrastructure for purposes of section 418.181 of the Government Code. *See generally id.* § 421.001(2). The city asserts release of this information would expose vulnerabilities of the city's critical infrastructure and undermine the security of the city. Based upon these representations and our review, we find the city has demonstrated release of some of the information at issue would identify the technical details of particular vulnerabilities of critical infrastructure to an act of terrorism. Accordingly, the city must withhold the information we have marked under section 552.101 of the Government Code in conjunction with section 418.181 of the Government Code. However, we find the city has failed to demonstrate the remaining information identifies the technical details of particular vulnerabilities of the city's critical infrastructure to an act of terrorism or a hostile act by a foreign adversary of the United States. Therefore, we conclude the city may not withhold any portion of the remaining information under section 552.101 of the Government Code in conjunction with section 418.181 of the Government Code. The city must release the remaining information.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued or call the OAG's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,

Simone L. Nisbett
Assistant Attorney General
Open Records Division

SLN/sb

Ref: ID# 26-009561

Enc. Submitted documents

c: Requestor
(w/o enclosures)