Cause No. 348-362718-25

KNIGHT FIRST AMENDMENT INSTITUTE AT COLUMBIA UNIVERSITY, *Plaintiff*, v. GRAPEVINE–COLLEYVILLE INDEPENDENT SCHOOL DISTRICT *Defendant.*	§ § § § § § § § § §	IN THE DISTRICT COURT OF TARRANT COUNTY, TEXAS 348th JUDICIAL DISTRICT

PLAINTIFF'S AMENDED PETITION AND REQUEST FOR WRIT OF MANDAMUS

Plaintiff Knight First Amendment Institute at Columbia University (the "Knight Institute") files this original petition against Grapevine-Colleyville Independent School District ("GCISD" or the "District"), to remedy violations of the Texas Public Information Act ("TPIA"), Texas Government Code Chapter 552, and will show:

STATEMENT OF CLAIM

1. On March 29, 2023, the Knight Institute submitted a request for records under the TPIA to the Grapevine-Colleyville Independent School District. The Knight Institute's request sought records related to the District's use of surveillance systems to monitor students' school-issued devices and software. The District refuses to produce this information, claiming that the requested records are excepted from disclosure under the TPIA. Accordingly, the Knight Institute seeks a writ of mandamus and attorneys' fees and costs to vindicate its right to receive the public information that GCISD has failed to disclose. Specifically, the Knight Institute seeks the information sought in its Original Request, or alternatively, in its Clarified Request I or Clarified Request II.

DISCOVERY CONTROL PLAN

2. Discovery in this matter will proceed under Level 2. *See* Tex. R. Civ. P. 190.3.

JURISDICTION AND VENUE

3. This Court has jurisdiction under Texas Government Code Section 552.321(a)–(b), which authorizes "a writ of mandamus compelling a governmental body to make information available for public inspection if the governmental body . . . refuses to supply public information." Tex. Gov't Code § 552.321(a)–(b).

4. GCISD's main offices are in Tarrant County, Texas. Venue in this case is proper because this petition was "filed in a district court for the county in which the main offices of the governmental body are located." Tex. Gov't Code § 552.321(b).

PARTIES

5. Plaintiff Knight Institute at Columbia University is a not-for-profit corporation based at Columbia University in New York, New York. The Knight Institute defends the freedoms of speech and the press in the digital age through strategic litigation, research, policy advocacy, and public education, and aims to promote a system of free expression that fosters effective self-government. Defending and promoting the public's right to access information is a core part of this mission.

6. Defendant Grapevine-Colleyville Independent School District ("GCISD") is an entity of the State of Texas and a "governmental body" for purposes of the Act. *See* Tex. Gov't Code § 552.003(1). GCISD maintains an office at 3051 Ira E. Woods Avenue, Grapevine, TX 76051.

TEXAS PUBLIC INFORMATION ACT

7. The Texas Public Information Act reflects the state's policy "that each person is entitled . . . at all times to complete information about the affairs of government and the official acts of public officials and employees." Tex. Gov't Code § 552.001(a). Accordingly, the Act's disclosure mandates should "be liberally construed in favor of granting a request for information,"

id. § 552.001(b), and exemptions to public disclosure "should be construed narrowly." *Arlington Indep. Sch. Dist. v. Tex. Att'y Gen.*, 37 S.W.3d 152, 157 (Tex. App.—Austin 2001, no pet.).

8. The TPIA broadly defines "public information" as information that is "written, produced, collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business." Tex. Gov't Code § 552.002(a). That information must be maintained: (1) "by a governmental body;" (2) "for a governmental body" that "owns the information; has a right of access to the information; or spends or contributes public money for the purpose of writing, producing, collecting, assembling, or maintaining the information;" or (3) "by an individual officer or employee of a governmental body in the officer's or employee's official capacity and the information pertains to official business of the governmental body." *Id.* § 552.002(a)(1)–(3). The statute further clarifies that information is "in connection with the transaction of official business" if it is "created by, transmitted to, received by, or maintained by an officer or employee of the governmental body in the officer's or employee's official capacity, or a person or entity performing official business or a governmental function on behalf of a governmental body, and pertains to official business of the governmental body." *Id.* § 552.002(a-1).

9. Among the types of information singled out by the Act for presumptive disclosure, "contracting information is public and must be released," unless it is excepted from disclosure under some other identifiable provision of the Act. *Id.* § 552.0222(a). Relevant here, the Act defines "[c]ontracting information" to include "communications and other information sent between a governmental body and a vendor or contractor related to the performance of a final contract with the governmental body or work performed on behalf of the governmental body." *Id.* § 552.003(1-a)(E).

10. Once a requester submits a request for information, a governmental body "shall promptly produce public information for inspection, duplication, or both." *Id.* § 552.221(a). Under the statute, "promptly" means within ten business days after the date of the request or "as soon as possible under the circumstances, that is, within a reasonable time, without delay." *Id.*

11. If a governmental body wants to withhold public information under a statutory exception, it must inform the requestor of its intent to do so and ask for the Attorney General's opinion within a reasonable time, but no later than ten business days after receiving the request. Tex. Gov't Code § 552.301(b),(d)(1)–(2). Within fifteen business days, the governmental body must submit to the Attorney General: the written request and evidence of the date it was received; a copy or representative sample(s) of the information requested; and written comments explaining why the stated exceptions apply. *Id.* at § 552.301(e)(1)(A)–(D).

12. The Attorney General must then "promptly render a decision" within 45 days that determines whether the requested information falls within one of the statute's exceptions. *Id.* § 552.306(a). If the Attorney General is unable to render its decision within 45 days, it may extend the deadline an additional ten business days by informing the governmental body and the requestor of the reason for the delay. *Id*. "[T]he [A]ttorney [G]eneral shall issue a written opinion of the determination and shall provide a copy of the opinion to the requestor." *Id.* § 552.306(b).

13. If a governmental body fails to make a timely request for an Attorney General opinion as provided by Subchapter G, the requested information is "presumed to be subject to required public disclosure and must be released unless there is a compelling reason to withhold the information." *Id.* § 552.302. If the governmental body refuses to supply the information, the requestor may "file suit for a writ of mandamus compelling [the] governmental body to make information available for public inspection . . . ." *Id.* § 552.321(a).

14. Finally, the requestor may "file suit for a writ of mandamus compelling [the] governmental body to make information available for public inspection" if the Attorney General has found that the information sought is not public record. *Id*.; *see also Tex. Dep't of Pub. Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.—Austin 1992, no pet.) ("The fact that the attorney general determined . . . information was not a public record [does] not preclude [the requestor] from seeking a trial court's determination as to whether the information sought was public information . . . .").

STATEMENT OF FACTS

I. The Knight Institute's Interest in the District's Records

15. The Knight Institute is a not-for-profit organization that aims to promote a system of free expression that fosters effective self-government. Defending and promoting the public's right to access information is a core part of this mission. The Knight Institute regularly relies on public records laws and the First Amendment to obtain information about government activity, and disseminates that information to the press and public through its website, social media accounts, press releases, blog posts, op-eds, and regular engagement with the press.

16. Relevant here, the Knight Institute's public records work has illuminated the scope and impact of surveillance by government and private corporations, enriching the public's understanding of the interplay between privacy and the freedoms of inquiry, speech, and association. Some of the Knight Institute's recent work has shed light on the digitization, retention, and surveillance of mail sent to people incarcerated in federal jails and prisons, and federal agencies' use of social media surveillance to conduct ideological screening of immigrants and visitors at the border. *See Knight Institute Seeks Federal Bureau of Prisons' Records Concerning Surveillance of Incarcerated People's Mail*, Knight First Amend. Inst. at Columbia Univ. (Aug. 4, 2021), https://perma.cc/Y2GB-PL6M; *Knight Institute v. DHS: A FOIA Lawsuit Seeking Records*

on Ideological Screening at the Border, Knight First Amend. Inst. at Columbia Univ. (last visited Dec. 17, 2024), https://perma.cc/Q26X-RYGC.

II. Use of A.I.-Powered Surveillance in Schools

17. As part of its ongoing work on free speech and surveillance, the Knight Institute seeks to learn more about how schools use A.I.-powered technology to restrict and monitor students' activity on school-issued devices and applications. Ellen Barry, *Spying on Student Devices, Schools Aim to Intercept Self-Harm Before It Happens*, The N.Y. Times (Dec. 11, 2024), https://perma.cc/ZDD7-GTSL. These systems, operated by private surveillance companies like GoGuardian, Gaggle, and Lightspeed, use artificial intelligence to scan student emails, documents, chats, and more against a list of keywords or phrases. Any content that suggests a student is engaging in behavior that poses a threat to themselves or others is flagged by the technology and reviewed by human content moderators, who then alert school administrators or law enforcement. *Id.* While the technology companies that offer these products use a standard list of keywords and phrases that will generate a flag, school administrators also have the ability to customize this list. Mark Keierleber, *Gaggle Surveils Millions of Kids in the Name of Safety. Targeted Families Argue it's 'Not That Smart'*, The 74 (Oct. 12, 2021), https://perma.cc/Q94H-T6TG.

18. There is widespread concern that school districts' use of these technologies causes serious privacy, expressive, associational, and equity harms. A recent report by the Center for Democracy & Technology found that the use of technology to screen or restrict access to certain material through content blocking and filtering stifles student learning and growth, making it difficult to complete school assignments and access information. CDT Report, *Off Task: EdTech Threats to Student Privacy and Equity in the Age of AI*, Ctr. for Democracy & Tech. (Sept. 2023), https://perma.cc/3QNP-6EVR. For example, students have been flagged by surveillance software for innocuous web searches related to the text of Genesis from Bible.com, classic literature like

Romeo and Juliet, and articles about Martin Luther King Jr. and the Civil Rights Movement. Dave Maass, Daly Barnett & Jason Kelley, *GoGuardian: A Red Flag Machine By Design*, Red Flag Mach. (last visited Mar. 7, 2025), https://perma.cc/Q966-5LU8. In other instances, monitoring of student activity has led to the disclosure of private information about students—including information about their sexuality. CDT Report, *supra* at 28.

19. The ability of school districts to customize lists of keywords and phrases they deem inappropriate—and keep those lists hidden from public view—has intensified these concerns. CDT's report on online surveillance found that some schools block, filter, or monitor LGBTQ+ and race-related content. *Id.* In another instance, in 2024, several high school journalism students convinced their Lawrence, Kansas school administrators to remove the journalism students' files from the purview of Gaggle's surveillance system based on the concern that the technology could invade the privacy of their reporting, which is sometimes critical of district staff and administration. Cuyler Dunn, *Lawrence Journalism Students Convince District to Reverse Course on AI Surveillance They Say Violates Freedom of Press*, The Lawrence Times (Apr. 18, 2024), https://perma.cc/J8PZ-N7J8.

III. The Knight Institute's Request, the District's Response, and the Attorney General's Rulings

i. Original Request

20. On March 29, 2023, the Knight Institute submitted a TPIA request to the Grapevine-Colleyville Independent School District for records related to the District's use of surveillance systems to monitor students' activity on school-issued devices and software, including:

a. Any information identifying the words or phrases the District has included, or plans to include, in its list(s) of blocked or monitored words;

b. Any information identifying the websites the District has included, or plans to include, in its list(s) of blocked or filtered websites;

c. Any correspondence regarding the list(s) of blocked, monitored, or filtered words and/or websites, including but not limited to internal communications between District employees, and communications between the District and the company supplying the District's digital surveillance system.

The Knight Institute also requested a fee waiver, which the Act permits "if a governmental body determines" that producing the information requested "is in the public interest" because it will "primarily benefit[] the general public." Tex. Gov't Code § 552.267(a). The request is attached hereto as **Exhibit A** (the "Original Request").

21. GCISD acknowledged receipt of the Original Request on April 5, 2023, and notified the Knight Institute that it intended to request an opinion of the Attorney General because it had determined that "some or all of [the] request is likely to fit within an exception to disclosure under Texas Government Code Section 552.139." GCISD also asked the Knight Institute to clarify the scope of part (c) of the Original Request, and to provide the District with search terms for part (c). GCISD's April 5, 2023 correspondence is attached hereto as **Exhibit B.**

22. On April 13, 2023, GCISD, through outside counsel, submitted a 10-day request to the Attorney General for a decision as to whether information responsive to parts (a) and (b) the Original Request is excepted from disclosure under Texas Government Code § 552.139, referred to here as the "computer network security exception."[1] Under this provision, information is excepted from the requirements of the TPIA if it "relates to computer network security, to

[1] In its April 13 10-day AG request, the District did not seek a decision as to whether information responsive to part (c) of the Original Request was excepted from disclosure because at the time it had asked the Knight Institute to clarify the scope of the request and develop a list of relevant search terms.

restricted information under Section 2059.055, or to the design, operation, or defense of a computer network." Tex. Gov't Code § 552.139(a).[2] GCISD's 10-day request for an Attorney General decision is attached hereto as **Exhibit C** ("April 13 10-day AG Request").

23. On April 20, 2023, GCISD submitted a 15-day request to the Attorney General for a decision as to whether information responsive to parts (a) and (b) of the Original Request is excepted from disclosure under TPIA's "computer network security exception." Specifically, GCISD claimed that the District has chosen to block or filter certain words and websites from its network "for the purpose of protecting the safety and security of District employees and students, as well as to protect the safety and security of the District's network by preventing computer security incidents." Those words and websites were chosen, GCISD claimed, "because of their propensity to expose the District's computers and network to malicious sites and other risks." For these reasons, GCISD concluded that the request sought "information directly arising from the [District's] routine efforts to prevent . . . a computer security incident," and is therefore excepted from disclosure under § 552.139(b)(4). GCISD's 15-day request for an Attorney General decision is attached hereto as **Exhibit D** ("April 20 15-day AG Request")

ii. Clarified Request I

24. On June 2, 2023, the Knight Institute submitted to GCISD a clarification of the Original Request, which narrowed the scope of the entire request to information related to the monitoring

[2] Under the statute, the following information is confidential: "(1) a computer network vulnerability report; (2) any other assessment of the extent to which data processing operations, a computer, a computer program, network, system, or system interface, or software of a governmental body or of a contractor of a governmental body is vulnerable to unauthorized access or harm, including an assessment of the extent to which the governmental body's or contractor's electronically stored information containing sensitive or critical information is vulnerable to alteration, damage, erasure, or inappropriate use; (3) a photocopy or other copy of an identification badge issued to an official or employee of a governmental body; and (4) information directly arising from a governmental body's routine efforts to prevent, detect, investigate, or mitigate a computer security incident, including information contained in or derived from an information security log." Tex. Gov't Code § 552.139(b).

and filtering of LGBTQ+ and race-related content. In response to GCISD's request in its April 5, 2023, acknowledgement letter (*see* **Exhibit B**), the Knight Institute also clarified the scope of part (c) by: (1) stating its intent for the District to search every employee's email correspondence since January 1, 2020 and (2) providing a list of search terms for the District to use in that search. The Knight Institute also asked the District to confirm the name(s) of each vendor that it contracts with, or has previously contracted with, to provide online filtering and monitoring services. The clarified request is attached hereto as **Exhibit E** ("Clarified Request I"), while the list of search terms for part (c) is attached hereto as **Exhibit F** ("Search Terms").

25. On June 8, 2023, GCISD informed the Knight Institute that an initial search of the email correspondence requested in part (c) of Clarified Request I, using the Knight Institute's list of search terms, yielded over 2.4 million emails. GCISD estimated that it would cost $1.8 million to process them. GCISD's June 8, 2023 email is attached hereto as **Exhibit G** ("June 8 GCISD Correspondence"). GCISD also confirmed that it uses two systems to monitor students' digital activities: Lightspeed Systems and Gaggle.

iii. Clarified Request II

26. On June 14, 2023, the Knight Institute's counsel met with GCISD's counsel to discuss how the request for information responsive to part (c) of Clarified Request I could be further narrowed. That same the day, the Knight Institute memorialized the conversation in an email, requesting that the District (1) prioritize the production of analytics reports concerning the types of content the District's monitoring software has flagged; and (2) limit the email search results to: (a) emails to and from the "lightspeedsystems.com" and "gaggle.net" email domains and (b) emails that include the terms "lightspeed" and "gaggle." The Knight Institute's email memorializing the June 14, 2023, discussion is hereto attached as **Exhibit H** ("Clarified Request II").

27. On June 16, 2023, the Attorney General issued Letter Ruling No. OR2023-20568 in response to the District's April 20 15-day Request regarding parts (a) and (b) of the Original Request, attached hereto as **Exhibit I** ("Attorney General Informal Letter Ruling on Original Request"). In the letter, the Attorney General determined that all but two of the requested records were excepted from disclosure under the Act's computer network security exception because they "relate[] to computer network security, and the design, operation, or defense of the district's computer network." *See* **Exhibit I**. The Attorney General's letter specified that the ruling was "limited to the particular information at issue in this request" and "must not be relied upon as a previous determination regarding any other information or any other circumstances."

28. On June 21, 2023, GCISD's counsel notified the Knight Institute that its search for information responsive to the second part of Clarified Request II yielded 824 potentially responsive emails. GCISD denied the Knight Institute's Initial Request for a fee waiver and estimated that it would cost $741.60 to process the records. GCISD noted that it was waiting for the Knight Institute to confirm that it accepted GCISD's estimated charges for the records responsive to Clarified Request II. GCISD also stated that it identified reports associated with Lightspeed and Gaggle in its search, but asserted that those reports are excepted from disclosure, and that it would seek an opinion from the Attorney General regarding the withholding of those reports. GCISD's June 21, 2023, email to the Knight Institute is attached hereto as **Exhibit J** ("June 21 GCISD Correspondence").

29. On June 28, 2023, GCISD submitted a request[3] for an Attorney General ruling that the first part of Clarified Request II was likewise excepted from disclosure under the computer network

[3] The District's request characterizes the first part of Clarified Request II as only requesting reports from Gaggle and Lightspeed Systems, which provide data to District personnel regarding flagged content. (*See* June 28 AG request). The Knight Institute, however, merely requested that the District *prioritize* this information in its search—not limit its search to these records. The Knight Institute is still entitled to all requested records.

security exception. GCISD's letter to the Attorney General is attached hereto as **Exhibit K** ("June 28 AG Request"). It argued that reports identifying words or subjects monitored by Gaggle and Lightspeed Systems are "'information directly arising from the [District's] routine efforts to prevent . . . a computer security incident.' Tex. Gov't Code § 552.139(b)(4)," and that "public disclosure of such words, website addresses, and other related information may expose the District to unnecessary security threats."

30. Notably, GCISD's June 28 AG Request did not seek a ruling with respect to the second part of Clarified Request II. GCISD's request for a ruling explicitly stated that, because it had not yet received a response from the Knight Institute regarding the cost estimate for responding to the second part of Clarified Request II, it "reserve[d] the right to seek a ruling from the Attorney General with respect to the information responsive to the second part of the Clarified Request should the requestor timely indicate that she intends to move forward with this portion of the request." *See* **Exhibit K, FN** 4.

31. On June 30, 2023, the Knight Institute asked GCISD to reconsider its decision to deny the Knight Institute's request for a fee waiver. On July 7, 2023, GCISD responded that it would continue to deny the Knight Institute's request for a fee waiver. On July 13, 2023, the Knight Institute confirmed that it planned to move forward with part (c) of the request and agreed to pay the estimated fees. The aforementioned exchange between GCISD and the Knight Institute is attached hereto as **Exhibit L** ("June 30 Fee Waiver Request").

32. Despite the Knight Institute's confirmation of its intent to move forward with the second part of Clarified Request II, the District did not then request an Attorney General ruling on the application of any disclosure exception to the second part of Clarified Request II.

33. On August 31, 2023, the Attorney General issued Letter Ruling No. OR2023-30020 in response to the District's June 28 Request regarding the first part of Clarified Request II, attached hereto as **Exhibit M** ("Attorney General Ruling, Clarified Request II"). In its ruling, the Attorney General determined that the requested information was excepted from disclosure under the TPIA's computer network security exception. *See* Tex. Gov't Code § 552.139. Again, the Attorney General's letter specified that the ruling was "limited to the particular information at issue in this request" and that the "ruling must not be relied upon as a previous determination regarding any other information or any other circumstances."

34. The Knight Institute mailed a check payment to GCISD for its processing of information responsive to the second part of Clarified Request II on September 28, 2023. On October 23, 2023, GCISD informed the Knight Institute that it had received the Knight Institute's payment and began processing the 824 responsive emails. GCISD's correspondence is attached hereto as **Exhibit N** ("October 23 Redaction Letter"). However, GCISD claimed that "almost all emails contain the very information the Texas Attorney General agreed must be withheld[,] . . . [including] information about subjects being searched, keywords being monitored, threat types, and why the communication was flagged for review by District personnel." Because that information would be redacted, GCISD claimed, the records would provide "very little information" to the Knight Institute. GCISD therefore offered to refund the Knight Institute's payment for the responsive information and close the request. If the Knight Institute did not close the request, GCISD indicated it would seek another opinion from the Attorney General regarding the second part of Clarified Request II.

35. On November 7, 2023, the Knight Institute sent a letter to GCISD requesting that it continue to process the 824 emails responsive to the second part of Clarified Request II. The letter

is attached hereto as **Exhibit O** ("November 7 KFAI Letter to GCISD re redactions"). The Knight Institute notified GCISD that a request for an Attorney General opinion regarding the second part of Clarified Request II would be untimely, as the TPIA requires that an agency request an opinion within ten business days of receiving a request or clarification of a request. *See* Tex. Gov't Code § 552.301(b). The Knight Institute had confirmed its intent to move forward with the second part of Clarified Request II on July 13, 2023. *See* **Exhibit L**.

36. On November 14, 2023, GCISD responded that it would continue to process the emails, but would redact them in accordance with "the Attorney General's ruling that certain information should be withheld as it relates to computer network security, and the design, operation, or defense of the District's computer network." GCISD's response is attached hereto as **Exhibit P** ("November 14 GCISD response re email redactions"). GCISD did not indicate which prior Attorney General ruling it purported to rely on, or why it believed it did not need to seek a new Attorney General opinion.

37. On November 16, 2023, the Knight Institute objected to GCISD's reliance on the previous Attorney General opinion(s) to redact the responsive emails, as both opinions made clear that the rulings were "limited to the particular information" presented for review and "must not be relied upon as a previous determination regarding any other information or any other circumstances." The Knight Institute's objection is attached hereto as **Exhibit Q** ("November 16 objection to email redactions"). GCISD's counsel never responded to this objection.

38. On November 17, 2023, GCISD disclosed the 824 responsive emails via its online public records portal. GCISD redacted virtually all information relevant to the second part of Clarified

Request II, including keywords and phrases that the District monitors.[4] Representative responsive emails disclosed by GCISD are attached hereto as **Exhibit R.**

39. Seventeen months later, on April 17, 2025, after the Knight Institute filed this lawsuit, GCISD sought an Attorney General opinion giving it retroactive authorization to withhold the public records requested in the second part of Clarified Request II. In its Request Letter, GCISD acknowledged that it should have sought an Attorney General opinion at the time the Knight Institute paid the fee to process the requested records. GCISD's Request Letter is attached hereto as **Exhibit S**.

40. To overcome the TPIA's presumption that the governmental body's failure to request a timely opinion requires public disclosure of the information, GCISD argued that the computer network security exception serves as a "compelling reason" to withhold the requested information because the it is "information directly arising from the [District's] routine efforts to prevent . . . a computer security incident." *See* **Exhibit S** (the request letter) (citing Tex. Gov't Code § 552.139(b)(4)).

41. In its response dated May 27, 2025, the Knight Institute asserted that GCISD failed to meet its burden to overcome the presumption of public disclosure. The Institute noted that GCISD improperly relied on the August 31, 2023 opinion, which pertained to materially different records, to withhold the information sought in the second part of Clarified Request II. Additionally, the Knight Institute argued that GCISD's year-and-a-half delay in seeking an Attorney General opinion demonstrates the continued withholding of the information is not "of such a pressing nature . . . that it outweighs the interests favoring public access[.]" The Knight Institute's Response Letter is attached hereto as **Exhibit T**. The Knight Institute maintained that the computer network security

[4] In some of the responsive emails disclosed by GCISD the relevant information was not fully redacted by the District. On information and belief, those emails were disclosed inadvertently. *See, e.g.*, **Exhibit R**, 1, 3.

exception does not *per se* constitute a compelling reason to withhold records to which a presumption of public disclosure has attached; nor should the exception be treated as compelling as applied to these records—particluarly in light of GCISD's admitted inaction in seeking to protect the records upon notice of the Knight Institute's interest in them nearly two years ago.

42. On June 26, 2025, the Attorney General issued Letter Ruling No. OR2025-022099, determining that the information designated as exempt from disclosure under § 552.139 served as a compelling reason to overcome the presumption of public disclosure, that the responsive records related to computer network security, and that the records could therefore be withheld. The Attorney General's Letter Ruling is attached hereto as **Exhibit U**.

ARGUMENT

43. GCISD's failure to disclose the information sought in the Knight Institute's Original Request and in Clarified Request II unlawfully deprives the Knight Institute of its right to that information. The information requested by the Knight Institute is public information and should be released because: (1) information pertaining to keywords and websites GCISD has blocked or monitored was produced in connection with official business; and (2) none of the information is excepted from disclosure under the computer network security exception.

44. The information requested in the Original and Clarified Requests is public information under the TPIA. *See* Tex. Gov't Code § 552.002(a). "Public information" is defined as "information that is written, produced, collected, assembled, or maintained . . . in connection with the transaction of official business" by or for a governmental body. *Id.* The requested information—information related to the words and websites GCISD blocks or monitors—was produced in the course of GCISD's official business operating school-issued devices and software.

45. The information requested is also "contracting information," because it involves "communications and other information sent between a governmental body and a vendor or

contractor related to the performance of a final contract with the governmental body or work performed on behalf of the governmental body." Tex. Gov't Code § 552.003(1-a)(E). The information requested is therefore entitled to a presumption of public release, "unless excepted from disclosure" under the Act. Tex. Gov't Code § 552.0222(a). The Knight Institute requested information pertaining to the performance of the contract between GCISD and their third party vendors—the key words the District directed its vendor to use to block, filter, or monitor content on school issued devices. These keywords represent the instructions and guidelines established by GCISD for their vendor to follow when providing the services outlined in their agreements. They establish a direct link between the requested records and the essential functions being carried out under the contract.

46. The information requested in the Original and Clarified Requests is not excepted from disclosure under the computer network security exception. *See* Tex. Gov't Code § 552.139. The District's disclosure of words and websites it monitors or blocks would not reveal information related to "computer network security" or the "design, operation, or defense of a computer network." *See id.* § 552.139(a). Nor would the disclosure of that information expose GCISD's network to a "computer security incident." *See id.* § 552.139(b)(4) (limiting confidential information to that which "directly "aris[es]" from "routine efforts" to address a "computer security incident"). GCISD has offered no basis for its claim that disclosing information related to the lists of words and websites it monitors or blocks would expose it to security threats.

47. Moreover, the information requested in the second part of Clarified Request II is presumptively public because GCISD did not timely request an opinion from the Attorney General that a TPIA exception applies to that information. *See* Tex. Gov't Code § 552.302 (providing that "information requested in writing is presumed to be subject to required public disclosure" if the

governmental body does not timely seek an Attorney General ruling); *Paxton v. City of Dall.*, 509 S.W.3d 247, 252 (Tex. 2017) ("if a request for decision is untimely, 'the information requested in writing is presumed to be subject to required public disclosure and must be released *unless there is a compelling reason to withhold the information.*'"). The Act requires that a governmental body seeking to withhold information request an Attorney General ruling within ten business days of receiving a request, or a clarification of a request. *See* Tex. Gov't Code § 552.301(b); *see also City of Dall. v. Abbott*, 304 S.W.3d 380, 387 (Tex. 2010) (holding that the ten-day period to request an attorney general ruling is measured from the date the request is clarified or narrowed when a governmental entity requests clarification or narrowing of an unclear or overbroad request for information). The Knight Institute confirmed its intent to move forward with the second part of Clarified Request II on July 13, 2023. Almost two years later and only after the filing of this lawsuit, GCISD finally requested an opinion from the Attorney General that a TPIA exception applies to the information requested in the second part of Clarified Request II on April 17, 2025.

48. The computer network security exception is neither a compelling justification *per se*, nor is it a compelling justification as applied to the records sought here. *See Paxton*, 509 S.W.3d at 259 ("[A] reason to withhold information will be 'compelling' only when it is of such a pressing nature (e.g., urgent, forceful, or demanding) that it outweighs the interests favoring public access to the information and overcomes section 552.302's presumption that disclosure is required."). *Compare* Tex. Gov't Code § 552.139(a) (allowing discretionary disclosure of responsive information) *with id.* § 552.139(b) (making certain categories of information confidential by law). GCISD cannot meet its burden to establish that it has a compelling reason to withhold the responsive records, and for that reason, the records responsive to Clarified Request II are subject to required public disclosure.

49. Finally, the Knight Institute is entitled to a fee waiver. The TPIA allows fees to be waived or reduced if the governmental body determines that providing a copy of the information primarily benefits the general public. Tex. Gov. Code § 552.267(a). Disclosure of the information sought here would primarily benefit the public interest, as it would inform the public about actual or alleged government activity. Moreover, disclosure would not further the Knight Institute's commercial interest. As indicated in our request, the Knight First Amendment Institute is a New York not-for-profit corporation based at Columbia University that works to preserve and expand the freedoms of speech and the press through strategic litigation, research, and public education. The Knight Institute will make any information disclosed available to the public at no cost. GCISD has offered no basis for its denial of the Knight Institute's fee waiver request, stating only that "the District does not determine that the standard in Tex. Gov't Code § 552.267(a) is met in this instance, and, therefore, will not waive or reduce the charges associated with the [] Institute's request." *See* **Exhibit L**.

PETITION FOR WRIT OF MANDAMUS

50. The Grapevine-Colleyville Independent School District is withholding information responsive to the Knight Institute's request in violation of the TPIA.

51. Pursuant to Section 552.321(a) of the TPIA, the Knight Institute is entitled to a writ of mandamus compelling the Grapevine-Colleyville Independent School District to disclose all responsive information.

ATTORNEY'S FEES

52. The Knight Institute requests all reasonable and necessary attorney's fees resulting from this litigation, pursuant to Tex. Gov't Code § 552.323.

PRAYER

53. Wherefore, Premises Considered, Plaintiff Knight First Amendment Institute at Columbia University respectfully prays the Court, upon final hearing:

A. Enter a writ of mandamus requiring GCISD to produce to the Knight Institute the requested information in the Original Request.

B. Alternatively, enter a writ of mandamus requiring GCISD to produce to the Knight Institute the requested information in Clarified Request I.

C. Alternatively, enter a writ of mandamus requiring GCISD to produce to the Knight Institute the requested information in Clarified Request II.

D. Order that the Knight Institute is entitled to a fee waiver for its Request, and that GCISD reimburse the Knight Institute for its previous payment for public information.

E. Order that GCISD reimburse the Knight Institute for the reasonable and necessary attorney's fees resulting from this litigation.

F. Order all such further relief to which the Knight Institute is justly entitled.

September 23, 2025

Respectfully submitted,

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