Cause No._____

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

PLAINTIFF'S ORIGINAL 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 or at any other time—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 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.**

ARGUMENT

39. 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.

40. 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.

41. 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

[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.

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.

42. 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.

43. 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. To date, GCISD has not requested an opinion from the Attorney General that a TPIA exception applies to the information requested in the second part of Clarified Request II.

44. 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

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

46. 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

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

PRAYER

48. 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.

March 12, 2025

Respectfully submitted,

**Pro Hac Vice* application forthcoming

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(646) 745-8500
Email: jennifer.jones@knightcolumbia.org

Attorneys for Plaintiff

EXHIBIT A

KNIGHT
FIRST AMENDMENT
INSTITUTE at
COLUMBIA UNIVERSITY

475 Riverside Drive, Suite 302
New York, NY 10115
(646) 745-8500
info@knightcolumbia.org

March 29, 2023

Grapevine-Colleyville Independent School
District
Public Information Request
3051 Ira E. Woods Avenue
Grapevine, Texas 76051

Re: Texas Public Information Act Request

To whom it may concern,

This letter constitutes a request pursuant to the Texas Public Information Act ("TPIA"), Texas Government Code Ch. 552, for information related to the Grapevine-Colleyville Independent School District's ("District") use of surveillance systems to monitor students' activity on digital devices and accounts. This request is made for public and non-commercial purposes by the Knight First Amendment Institute at Columbia University ("Knight Institute" or "Institute").[1]

I. Background

As students across the country transitioned to remote learning in response to the COVID-19 pandemic, school administrators increasingly turned to surveillance companies to assist with monitoring students' activity on digital devices and school-issued Google and Microsoft accounts.[2] One of the most prevalent tools marketed by these companies is spy tech that uses artificial intelligence to track all student activity and communications on their digital devices and accounts. In practice,

[1] 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.

[2] Mark Keierleber, *The spy tech that followed kids home for remote learning—and won't leave*, Fast Company (Sept. 20, 2021), https://www.fastcompany.com/90677509/the-spy-tech-that-followed-kids-home-for-remote-learning-and-wont-leave.

these systems typically work by restricting students' access to specific websites and/or applications, while scanning student emails, documents, chats, and more against a list of monitored words and phrases.[3] Any content that may indicate a student is engaging in "inappropriate behaviors" or poses "potential threats to self or others," including profanity, references to self-harm, violence, bullying, or drugs, is flagged by the tool and reviewed by human content moderators, who can pass the material to school administrators or law enforcement to take further action.[4] While surveillance companies typically have a standard list of keywords that will generate a flag, school administrators have the ability to customize this list to reflect local contexts.[5]

Surveillance companies claim that these systems protect student safety, but students, parents, and others have raised concerns that they actually cause serious harm, posing significant threats to students' privacy and free speech rights and contributing to a long legacy of policing and surveillance in public schools.[6] To learn more about how these systems are being deployed, this request seeks records related to the list of words, phrases, and websites that the District filters and/or monitors as part of its surveillance of students' digital activities.

II. Information requested

The Knight Institute requests the following information[7] related to the Grapevine-Colleyville Independent School District's use of surveillance systems to monitor student activity on digital devices and accounts, created on or after January 1, 2020:

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;[8]

---

[3] Caroline Haskins, *Gaggle Knows Everything About Teens And Kids In School*, Buzzfeed News (Nov. 1, 2019, 3:48pm), https://perma.cc/7269-VTFS.

[4] *Id.*; Mark Keierleber, *Minneapolis Schools to Halt Controversial Student Surveillance Initiative*, The 74 (June 27, 2022), https://perma.cc/S6TA-6696.

[5] 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.

[6] Keierleber, *supra* note 4.

[7] For purposes of this request, "information" includes but is not limited to all records or communications preserved in written or electronic form, including but not limited to: correspondence, documents, data, videotapes, audio tapes, emails, faxes, files, guidance, guidelines, evaluations, instructions, analyses, memoranda, agreements, notes, orders, policies, procedures, protocols, reports, rules, training manuals, other manuals, or studies.

[8] For purposes of this request, "list of blocked or monitored words" means any specific word or phrase that may trigger an alert, flag, block, restriction,

b. Any information identifying the websites the District has included, or plans to include, in its list(s) of blocked or filtered websites;[9]

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.

III. Request for waiver or limitation of fees

The Knight Institute requests that you produce the information free of charge on the grounds that this request is made for public and non-commercial purposes and will benefit the general public. Tex. Gov't Code § 552.267. However, if you are unable to do so, the Institute will reimburse you for the reasonable costs associated with fulfilling this request if your office has a policy of requiring the payment of a copying charge for such information. **If you anticipate that the total costs associated with fulfilling this request will exceed $35, please contact me with an estimate of the likely cost before proceeding**.

IV. Information about the request

The Texas Public Information Act mandates that if you are unable to produce the requested information within 10 business days of this request, you certify that fact in writing and set a date within a reasonable time when the information will be available.

Should you elect to withhold or delete any information, please justify your decision by referencing specific exemptions under the Act. In doing so, we remind the District that Tex. Gov't Code § 552 establishes a strong presumption in favor of disclosure. *See* Open Records Decision 363 at 1 (1983) (explaining that records must be disclosed "unless they fall within one of the particular exceptions applicable"); Open Records

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report, or notification by the District's digital monitoring system(s), whether that alert, flag, block, restriction, report, or notification is sent to the affected student, an employee or contractor of the surveillance provider, a District employee, or another individual. "List of blocked or monitored words" explicitly includes any "default" words or phrases suggested by the District's surveillance partner and adopted by the District, as well as any additional words or phrases added or requested by the District.

[9] For purposes of this request, "list of blocked or filtered websites" means any specific website, domain name, or keyword within a website name that is blocked, filtered, or otherwise restricted by the District, as well as any specific website, domain name, or keyword within a website name that may trigger an alert, flag, block, restriction, report, or notification by the District's digital monitoring system(s).

Decision 91 at 2 (1975) ("The Act makes all information public unless excepted."). These exemptions "should be construed narrowly." *Arlington Indep. Sch. Dist. v. Tex. Att'y Gen.*, 37 S.W.3d 152, 157 (Tex. App. 2001). If any exemption that you assert applies to only a portion of the information (as opposed to the entire record), please redact the portion you claim is exempt, provide copies of the remainder of the information, and detail your reasons for the modification.

We also ask that you provide responsive electronic information in its native file format. Alternatively, please provide the information electronically in a text-searchable, static-image format (e.g., PDF), in the best image quality in the District's possession, and in separate, Bates-stamped files.

We request that you produce responsive materials in their entirety, including all attachments, appendices, enclosures, and/or exhibits. To the extent that a response to this request would require you to provide multiple copies of identical material, the request is limited so that only one copy of identical material is requested.

* * *

Thank you for your attention to our request. We would be happy to discuss its terms with you over the phone or via email to clarify any aspect of it.

/s/ Jennifer Jones

Jennifer Jones
Stacy Livingston
Knight First Amendment Institute
at Columbia University
475 Riverside Drive, Suite 302
New York, NY 10115
(646) 745-8500
jennifer.jones@knightcolumbia.org

EXHIBIT B

Subject: [Records Center] Open Public Records Request :: P000953-033023
Date: Wednesday, April 5, 2023 at 6:50:50 PM Eastern Daylight Time
From: GCISD Support
To: Jennifer Jones

--- Please respond above this line ---

RE: PUBLIC RECORDS REQUEST of March 30, 2023, Reference # P000953-033023

Dear Jennifer Jones,

The Grapevine-Colleyville ISD ("District") received a Public Information Act Request from you on March 30, 2023. After reviewing your request for records, the District has determined that some or all of your request is likely to fit within an exception to disclosure under Texas Government Code Section 552.139. Therefore, the District is notifying you that it intends to request an opinion of the Texas Attorney General regarding your request. That determination from the Attorney General can take up to sixty or more days to receive.

This letter is also being sent to clarify some of the information that you are seeking from the District. The District is not able to conduct a search of its email system without search terms. Your request is for "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." Please identify the search terms that you are asking the District to search.

Additionally, do you intend for the District to search every employee's email correspondence since January 1, 2020, or are there individuals or positions whose email communication you would like us to search? The District has more than 1,750 employees and the search, as currently submitted, implies all employees. Depending on the search terms that you provide, this could result in a significant number of emails for the District to review for responsiveness and for confidential information. Certain confidential information may be redacted by the District but if there is a question about whether something in that communication is confidential, the District reserves its right to seek an Attorney General opinion regarding that information.

Once the District receives clarification from you on the items requested, the District will be able to prepare a cost estimate as required by Texas Government Code, Section 552. That estimate will include the costs for locating, compiling, reviewing and redacting all records, as needed.

If you would like for the District to proceed with your public information request, please provide the clarifications within sixty-one (61) days from today, April 5, 2023. Otherwise, the District will consider your request withdrawn.

You may provide a response to the District by any of the following methods:

1. by responding to this email/letter

2. by regular mail to Grapevine-Colleyville ISD, Attention: Alex Harlow, Grapevine-Colleyville ISD, 3051 Ira E Woods, Grapevine, TX 76051

3. in person at the Office of the Grapevine-Colleyville ISD, Alex Harlow, 3051 Ira E Woods, Grapevine, TX 76051

Upon receipt of your clarification, the Grapevine-Colleyville ISD will further respond to your Public Information Act Request as required by law, including providing you with an estimate of costs associated with producing the requested records.

Sincerely,

Paula Barbaroux

Chief Operations Officer

To monitor the progress or update this request please log into the Open Public Records Center



EXHIBIT C

Alexandra M. Williams
(817) 334-7292 (Direct Dial)
(817) 334-7290 (Direct Fax)
amwilliams@jw.com

April 13, 2023

Office of Attorney General
Open Records Section
P.O. Box 12548
Austin, Texas 78711-2548

Re: Open Records Request of Jennifer Jones, The Knight First Amendment Institute received on March 30, 2023; Internal Ref. No. P000953-033023

Dear Sir or Madam:

I am counsel to the Board of Trustees for Grapevine-Colleyville Independent School District (the "District") and provide this correspondence on the District's behalf. The District is requesting an opinion pursuant to Texas Government Code § 553.301 of the Texas Public Information Act ("Act") regarding whether certain information is subject to disclosure under the Act. The District received the enclosed public information request on March 30, 2023.[1]

The requestor made the following requests ("Request") to the District:

> *The Knight Institute requests the following information related to the Grapevine-Colleyville Independent School District's use of surveillance systems to monitor student activity on digital devices and accounts, created on or after January 1, 2020:*
>
> 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; and*
> 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.*

[1] A true and correct copy is attached as Exhibit 1.

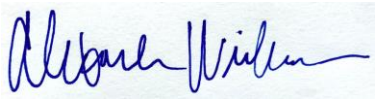
There are documents responsive to this Request. However, the District believes that the items responsive to this Request may be excepted from public disclosure under Texas Government Code § 552.139.

Pursuant to Texas Government Code § 552.301(e), the District will send within 15 business days of the receipt of the Request additional information supporting its request for an Attorney General decision. Such correspondence will include copies of the documents (or representative samples of such documents) containing the information that may be protected from disclosure under the Act, as well as the District's arguments for exception from disclosure and legal support.

By copy of this letter, the District is informing the requestor of its request for an Attorney General decision regarding whether the requested information is within an exception to the Act and of its intent to withhold the information until a decision is made pursuant to this request. Tex. Gov't Code § 552.301(d).

Should you have any questions, please do not hesitate to contact me.

Sincerely,



Alexandra M. Williams
Attorney

Enclosures as noted

cc: Requestor Jennifer Jones, The Knight First Amendment Institute, w/o enclosures (via email)

Paula Barbaroux, w/o enclosures (via email)

EXHIBIT 1

KNIGHT
FIRST AMENDMENT
INSTITUTE at
COLUMBIA UNIVERSITY

475 Riverside Drive, Suite 302
New York, NY 10115
(646) 745-8500
info@knightcolumbia.org

March 29, 2023

Grapevine-Colleyville Independent School
District
Public Information Request
3051 Ira E. Woods Avenue
Grapevine, Texas 76051

Re: Texas Public Information Act Request

To whom it may concern,

This letter constitutes a request pursuant to the Texas Public Information Act ("TPIA"), Texas Government Code Ch. 552, for information related to the Grapevine-Colleyville Independent School District's ("District") use of surveillance systems to monitor students' activity on digital devices and accounts. This request is made for public and non-commercial purposes by the Knight First Amendment Institute at Columbia University ("Knight Institute" or "Institute").[1]

I. Background

As students across the country transitioned to remote learning in response to the COVID-19 pandemic, school administrators increasingly turned to surveillance companies to assist with monitoring students' activity on digital devices and school-issued Google and Microsoft accounts.[2] One of the most prevalent tools marketed by these companies is spy tech that uses artificial intelligence to track all student activity and communications on their digital devices and accounts. In practice,

[1] 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.

[2] Mark Keierleber, *The spy tech that followed kids home for remote learning—and won't leave*, Fast Company (Sept. 20, 2021), https://www.fastcompany.com/90677509/the-spy-tech-that-followed-kids-home-for-remote-learning-and-wont-leave.

these systems typically work by restricting students' access to specific websites and/or applications, while scanning student emails, documents, chats, and more against a list of monitored words and phrases.[3] Any content that may indicate a student is engaging in "inappropriate behaviors" or poses "potential threats to self or others," including profanity, references to self-harm, violence, bullying, or drugs, is flagged by the tool and reviewed by human content moderators, who can pass the material to school administrators or law enforcement to take further action.[4] While surveillance companies typically have a standard list of keywords that will generate a flag, school administrators have the ability to customize this list to reflect local contexts.[5]

Surveillance companies claim that these systems protect student safety, but students, parents, and others have raised concerns that they actually cause serious harm, posing significant threats to students' privacy and free speech rights and contributing to a long legacy of policing and surveillance in public schools.[6] To learn more about how these systems are being deployed, this request seeks records related to the list of words, phrases, and websites that the District filters and/or monitors as part of its surveillance of students' digital activities.

II. Information requested

The Knight Institute requests the following information[7] related to the Grapevine-Colleyville Independent School District's use of surveillance systems to monitor student activity on digital devices and accounts, created on or after January 1, 2020:

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;[8]

---

[3] Caroline Haskins, *Gaggle Knows Everything About Teens And Kids In School*, Buzzfeed News (Nov. 1, 2019, 3:48pm), https://perma.cc/7269-VTFS.

[4] *Id.*; Mark Keierleber, *Minneapolis Schools to Halt Controversial Student Surveillance Initiative*, The 74 (June 27, 2022), https://perma.cc/S6TA-6696.

[5] 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.

[6] Keierleber, *supra* note 4.

[7] For purposes of this request, "information" includes but is not limited to all records or communications preserved in written or electronic form, including but not limited to: correspondence, documents, data, videotapes, audio tapes, emails, faxes, files, guidance, guidelines, evaluations, instructions, analyses, memoranda, agreements, notes, orders, policies, procedures, protocols, reports, rules, training manuals, other manuals, or studies.

[8] For purposes of this request, "list of blocked or monitored words" means any specific word or phrase that may trigger an alert, flag, block, restriction,

b. Any information identifying the websites the District has included, or plans to include, in its list(s) of blocked or filtered websites;[9]

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.

III. Request for waiver or limitation of fees

The Knight Institute requests that you produce the information free of charge on the grounds that this request is made for public and non-commercial purposes and will benefit the general public. Tex. Gov't Code § 552.267. However, if you are unable to do so, the Institute will reimburse you for the reasonable costs associated with fulfilling this request if your office has a policy of requiring the payment of a copying charge for such information. **If you anticipate that the total costs associated with fulfilling this request will exceed $35, please contact me with an estimate of the likely cost before proceeding**.

IV. Information about the request

The Texas Public Information Act mandates that if you are unable to produce the requested information within 10 business days of this request, you certify that fact in writing and set a date within a reasonable time when the information will be available.

Should you elect to withhold or delete any information, please justify your decision by referencing specific exemptions under the Act. In doing so, we remind the District that Tex. Gov't Code § 552 establishes a strong presumption in favor of disclosure. *See* Open Records Decision 363 at 1 (1983) (explaining that records must be disclosed "unless they fall within one of the particular exceptions applicable"); Open Records

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report, or notification by the District's digital monitoring system(s), whether that alert, flag, block, restriction, report, or notification is sent to the affected student, an employee or contractor of the surveillance provider, a District employee, or another individual. "List of blocked or monitored words" explicitly includes any "default" words or phrases suggested by the District's surveillance partner and adopted by the District, as well as any additional words or phrases added or requested by the District.

[9] For purposes of this request, "list of blocked or filtered websites" means any specific website, domain name, or keyword within a website name that is blocked, filtered, or otherwise restricted by the District, as well as any specific website, domain name, or keyword within a website name that may trigger an alert, flag, block, restriction, report, or notification by the District's digital monitoring system(s).

Decision 91 at 2 (1975) ("The Act makes all information public unless excepted."). These exemptions "should be construed narrowly." *Arlington Indep. Sch. Dist. v. Tex. Att'y Gen.*, 37 S.W.3d 152, 157 (Tex. App. 2001). If any exemption that you assert applies to only a portion of the information (as opposed to the entire record), please redact the portion you claim is exempt, provide copies of the remainder of the information, and detail your reasons for the modification.

We also ask that you provide responsive electronic information in its native file format. Alternatively, please provide the information electronically in a text-searchable, static-image format (e.g., PDF), in the best image quality in the District's possession, and in separate, Bates-stamped files.

We request that you produce responsive materials in their entirety, including all attachments, appendices, enclosures, and/or exhibits. To the extent that a response to this request would require you to provide multiple copies of identical material, the request is limited so that only one copy of identical material is requested.

* * *

Thank you for your attention to our request. We would be happy to discuss its terms with you over the phone or via email to clarify any aspect of it.

/s/ Jennifer Jones

Jennifer Jones
Stacy Livingston
Knight First Amendment Institute
at Columbia University
475 Riverside Drive, Suite 302
New York, NY 10115
(646) 745-8500
jennifer.jones@knightcolumbia.org

EXHIBIT D

Alexandra M. Williams
(817) 334-7292 (Direct Dial)
(817) 334-7290 (Direct Fax)
amwilliams@jw.com

April 20, 2023

VIA ONLINE SUBMISSION

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

Re: Open Records Request of Jennifer Jones of the Knight First Amendment Institute received on March 30, 2023
Internal Ref: P000953-033023

Dear Attorney General Paxton:

I am counsel to the Board of Trustees for Grapevine-Colleyville Independent School District (the "District"). The District received the public information request attached as Exhibit 1 on March 30, 2023 ("Request"). This firm, on behalf of the District, previously submitted a timely 10-day letter with respect to the Request. A copy of the District's 10-day letter is attached as Exhibit 2. The District now requests an opinion on certain documents attached as Exhibit 3.

This correspondence constitutes the District's submission required under Texas Government Code § 552.301(e). By copy of this letter, the District is informing the requestor of its submission of written comments to the Attorney General under Section 552.301(e). Tex. Gov't Code § 552.301(e-1).

The requestor made the following requests to the District:[1]

> *The Knight Institute requests the following information related to the Grapevine-Colleyville Independent School District's use of surveillance systems to monitor student activity on digital devices and accounts, created on or after January 1, 2020:*
>
> *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;*

[1] *See* Exhibit 1.

b. *Any information identifying the websites the District has included, or plans to include, in its list(s) of blocked or filtered websites; and*
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.*[2]

The Request seeks information the District contends is excepted from disclosure under the Act for reasons discussed with greater specificity, below.

Please find attached in Exhibit 3 the documents that the District contends are not subject to mandatory disclosure. The District believes these documents fall within the following applicable exception:

TEX. GOV'T CODE § 552.139 – Confidentiality of Government Information Related to Security or Infrastructure Issues for Computers

Exhibit 3 contains the responsive information the District maintains is not subject to disclosure. Exhibit 3 shows certain information (*i.e.*, words, website addresses) the District has chosen to block or filter 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.

Certain words and website addresses which the District has chosen to block or filter have been chosen because of their propensity to expose the District's computers and network to malicious sites and other risks. In other words, the requested information is "information directly arising from the [District's] routine efforts to prevent . . . a computer security incident." Tex. Gov't Code § 552.139(b)(4). The public disclosure of such words, website addresses, and other related information may expose the District to unnecessary security threats. As such, the District requests that Attorney General permit the District to withhold all information responsive to the Request (*i.e.*, the entirety of Exhibit 3).[3]

[2] The District sent a request for clarification to the requestor with respect to subsection (c) of the Request on April 5, 2023, inquiring whether the requestor intended for the District to search the e-mail accounts of each and every District employee and requesting whether requestor could identify search terms to be used in such a search. See Tex. Gov't Code § 552.222. The District has not received any response from the requestor. As such, this correspondence pertains only to subsections (a) and (b) of the Request.

[3] *See* Tex. Att'y Gen. Op. No. OR2019-01233 (finding that a school district must withhold information in response to a similar request for "all urls and keywords that are blocked on school and or district WiFi networks" as such information "relates to computer network security, and the design, operation, or defense of the district's computer network").

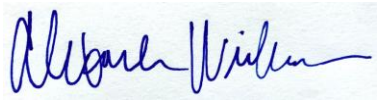
Conclusion

The District believes that the responsive documents contained in Exhibit 3 should be excepted from disclosure under the Act. This This correspondence constitutes the District's request to the Attorney General required under Texas Government Code § 552.301(e). The Attorney General has not made a previous determination regarding the specific information contained in Exhibit 3.

By copy of this letter, the District is informing the requestor of its request to the Attorney General, contained herein, for a decision regarding whether the information is within an exception and of its intent to withhold the requested information until a decision is made by your office pursuant to this request. Tex. Gov't Code § 552.301(e-1).

Should you have any questions, please do not hesitate to contact me.

Sincerely,



Alexandra M. Williams
Attorney

Enclosures as noted

cc: Requestor Jennifer Jones, The Knight First Amendment Institute, w/o enclosures (via email)

Paula Barbaroux, w/o enclosures (via email)

35902656v.1

EXHIBIT E

KNIGHT
FIRST AMENDMENT
INSTITUTE at
COLUMBIA UNIVERSITY

475 Riverside Drive, Suite 302
New York, NY 10115
(646) 745-8500
info@knightcolumbia.org

June 2, 2023

Alex Harlow
Grapevine-Colleyville Independent School
District
3051 Ira E. Woods
Grapevine, TX 76051

Re: Public Information Act Request No. P000953-033023

Dear Alex Harlow,

Thank you for your response to the Public Information Act request submitted by the Knight First Amendment Institute at Columbia University ("Institute") on March 29, 2023, Reference No. P000953-033023. We write in response to your email correspondence dated April 5, 2023.

First, you indicated that the Grapevine-Colleyville Independent School District ("District") has determined that some or all of the Institute's request is likely to fit within an exception to disclosure under Texas Government Code Section 552.139 and notified us of your intent to request an opinion of the Texas Attorney General regarding our request.[1] Second, you asked for clarity regarding the information the Institute seeks from the District. Specifically, you asked that the Institute identify search terms for the District to use in its search for responsive information. Finally, you asked whether we intend for the District to search every employee's email correspondence since January 1, 2020, or if there are specific individuals or positions whose email communications we would like you to search.

We address each of these items below.

[1] Since then, the Institute has received copies of the correspondence sent by Counsel to the Board of Trustees for Grapevine-Colleyville Independent School District to the Texas Attorney General on April 13, 2023, and April 20, 2023.

I. Proposed narrowing of the Request

To address the District's stated concerns that disclosing the information responsive to subsections (a) and (b) of our Request may jeopardize the safety and security of District employees and students and may expose the District to cybersecurity threats, we would like to narrow the entire Request, inclusive of subsections (a), (b), and (c), as follows[2]:

First, the Institute asks that the District limit its search to information related to the following:

i. monitoring and/or filtering teacher and student engagement[3] with current or historical events, political and social movements, and/or analysis of race, gender, and sexuality;
ii. compliance with Senate Bill 3[4]
iii. compliance with House Bill 3979,[5] or
iv. compliance with GCISD Board Policy EMB (LOCAL), EFA (LOCAL), EFB (LOCAL), and AIB (LOCAL)[6]

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[2] Subsection (a) of our Request seeks "Any information identifying the words or phrases the District has included, or plans to include, in its list(s) of blocked or monitored words." Subsection (b) of our Request seeks "Any information identifying the websites the District has included, or plans to include, in its list(s) of blocked or filtered websites."

[3] For purposes of this Request, "engagement" includes but is not limited to classroom discussion, interpersonal communications, research, and writing.

[4] S.B. 3: Relating to civics training programs for certain public school social studies teachers and principals, parental access to certain learning management systems, and certain curriculum in public schools, including certain instructional requirements and prohibitions. S.B. 3, 87th Leg., Reg, Sess. (Tex. 2021), https://perma.cc/RB3Q-SDM4.

[5] H.B. 3979: Relating to civics instruction public school students and instruction policies in public schools. H.B. 3979, 87th Leg., Prior Sess. (Tex. 2021), https://perma.cc/9RH9-98WA.

[6] Grapevine-Colleyville Independent School District, *EMB – Miscellaneous Instructional Policies: Teaching About Controversial Issues*, Board Policy Manual (June 30, 2022), https://perma.cc/8JX7-ZP4W; Grapevine-Colleyville Independent School District, *EFA – Instructional Resources: Instructional Materials*, Board Policy Manual (Aug. 22, 2022), https://perma.cc/D47G-HU2V; Grapevine-Colleyville Independent School District, *EFB – Instructional Resources: Library Materials*, Board Policy Manual (Aug. 22, 2022), https://perma.cc/QN7E-HYFV; Grapevine-Colleyville Independent School District, *AIB – Accountability: Performance Reporting*, Board Policy Manual (Aug. 22, 2022), https://perma.cc/9BY3-9EZR.

Second, the Institute asks that the District exclude or redact any information from its search results that identifies words, phrases, or websites that could potentially identify methods of hacking or damaging the District's wireless or wired networks, databases, or computers. By excluding or redacting this specific information, the District can provide access to the government information requested by the Institute while avoiding public disclosure of information that may expose the District to security threats and/or threaten the safety and security of District employees and students.

II. Search terms and scope of subsection (c)

The Institute has identified search terms to clarify the information we seek related to subsection (c), which asks for "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." We have attached to this correspondence a spreadsheet identifying search terms. We also would like to clarify that we intend for the District to search every employee's email correspondence since January 1, 2020.

III. Additional information regarding our request

Finally, the District did not provide any information responsive to our request in the email dated April 5, 2023, including the names of the vendors the District contracts with to filter students' internet searches and/or monitor student activity on digital devices and accounts. We ask that the District confirm the name(s) of each vendor that it contracts with, or has previously contracted with, to provide these services since January 1, 2020.

* * *

Thank you for your attention to this matter. Please contact us directly if you have any questions.

/s/ Jennifer Jones

Jennifer Jones
Stacy Livingston
Knight First Amendment Institute
at Columbia University
475 Riverside Drive, Suite 302
New York, NY 10115
(646) 745-8500
Jennifer.jones@knightcolumbia.org

EXHIBIT F

"CRT"
"anti-CRT"
"critical race theory"
"culturally responsive teaching"
"gender fluidity"
"non-binary" or "nonbinary"
"1619 Project"
"social construct"
"hormone therapy"
"gender reassignment"
"gender dysmorphia"
"gender expression"
"systemic racism"
"enslaved"
"slavery"
"feminism"
"white guilt"
"BLM"
"Black Lives Matter"
"intersex"
"pronouns"
"trans rights" or "transgender rights"
"transgender"
"TERF"
"AIDs"
"planned parenthood"
"ACLU"
"implicit racism"
"implicit bias"
"IAT" or "implicit association test"
"reparations"
"oppression" or "oppressed" or "oppress"
"eugenics"
"discrimination" or "discriminate" or "discriminatory"
"misogyny" or "misogynist"
"sexism" or "sexist"
"true founding"
"redlining" or "red-lining"
"police brutality"
"overpolicing"
"inequality"
"racial wealth gap"
"lynching"
"equity" or "equitable"
"diversity, equity, and inclusion" or "DEI"

"woke"
"marxism" or "marxist"
"communism" or "communist"
"socialism" or "socialist"
"same-sex"
"homosexuality" or "homosexual"
"heterosexuality" or "heterosexual"
"cisgender" or "cis"
"cultural appropriation"
"cultural competence" or "multicultural competence"
"institutional racism"
"colonialism" or "neo-colonialism" or "colonize" or "decolonize"
"cultural intelligence"
"anti-racism" or "anti-racist" or "antiracism" or "antiracist"
"social justice"
"restorative justice"
"internalized bias"
"bisexual" or "bisexuality"
"normative" or "heteronormative"
"disparate outcomes" or "disparate impact"
"inequity"
"power structure"
"racial hierarchy"
"caste"
"afrocentric" or "afrocentrism" or "eurocentric" or "eurocentrism"
"neoliberal"
"ethnocentric"
"microagression"
"people of color" or "POC" or "BIPOC"
"white privilege"
"underprivileged"
"marginalize"
"minority"
"whiteness"
"blackness"
"social emotional learning"
"Stamped"
"gender theory"
"racial profiling"
"colorblind"
"abortion"
"pregnant" or "pregnancy"
"mifepristone"
“transgenderism”
"gender transitioning"

"gender-affirming"
"hormone replacement therapy" or "HRT"
"sexual orientation"
"drag"
"say their names"
"S.B. 3" or "SB3" or "SB-3" or "senate bill 3"
"H.B. 3987" or "HB3987" or "house bill 3987"
"New York Times" or "NYT"
"Nikole Hannah-Jones" or "Nikole Hannah Jones"
"queer"

EXHIBIT G

Subject: [Records Center] Open Public Records Request :: P000953-033023
Date: Thursday, June 8, 2023 at 11:52:28 AM Eastern Daylight Time
From: GCISD Support
To: Jennifer Jones

--- Please respond above this line ---

GRAPEVINE COLLEYVILLE INDEPENDENT SCHOOL DISTRICT

RE: PUBLIC RECORDS REQUEST of March 30, 2023, Reference # P000953-033023

Dear Ms. Jones,

The Grapevine-Colleyville ISD ("District") received your response to the District's request for clarification on June 2, 2023.

First, in regard to Section II of your response, the District ran an initial search of all current and former employees' emails for the time period of January 1, 2020, to March 30, 2023, using the 140 search terms that you submitted. This resulted in an email count of 2,400,179 potentially responsive emails of varying quantities of pages. The District uses Google Mail for its email system. Google does not deduplicate, therefore, the above number of emails will likely include duplicates. The above count also does not indicate the number of attachments that those emails might include. As required by Texas Government Code, Section 552.2615, the District is providing a cost estimate for this part of your records request. The District does not waive its right to charge fees as allowed by law. The estimate includes the time to review each potentially responsive email and its attachments and to redact any information as allowed by law. An example is information identifying a student. The District also reserves its right to submit other information that it finds in the records to the Texas Attorney General's Office for a determination about its withholding. An example is attorney-client communication.

The cost estimate for your clarified request as provided in your June 2, 2023 correspondence is as follows:

Compiling, reviewing, and redacting potentially responsive emails: 2,400,179 x 3 minutes = 120,008.95 hours at $15.00 per hour = $1,800,134.25

Overhead fee at 20% = $360,026.85

Total charges = $2,160,161.10

Please note that this is an estimate and the actual cost could be higher.

This cost estimate is being provided in accordance with Texas Government Code § 552.2615. Your clarified request will be considered automatically withdrawn if you do not respond in writing within ten business days that you (a) accept the estimated charges, (b) are modifying the request in response to this cost estimate, or (c) have sent a complaint regarding these estimated charges to the attorney general.

I hope the Institute is willing to narrow its search.

In regard to Section I. of your response letter, I appreciate the attempt to narrow the records request to those statements in items i. through iv. Unfortunately, the District's search does not include the ability to narrow a search of emails to those items. The system cannot perform such a task and therefore, an employee or contractor would have to review each email for such items. I note that some of the items in i. through iv. were included in the search terms referenced above but not all. The District will wait for the determination from the Texas Attorney General's office before proceeding with any response or cost estimate related to this part of the request.

Section III. of your response letter asks the District to confirm the names of each vendor that it contracts with, although such a request was not included in your initial public information request received on March 30, 2023. This request in Section III of your response is not a request for records and is therefore not a proper request under the Public Information Act. See, See Open Records Decision No. 555 at 1–2 (1990) (considering request for answers to fact questions). However, in the spirit of cooperation and transparency, the District states in response to your inquiry that it contracts with Lightspeed and Gaggle.

In your original request, dated March 29, 2023, received on March 30, 2023, you stated that the District is to request the following from all of its employees: correspondence, documents, data, videotapes, audio tapes, faxes, files, guidance, evaluations, instructions, analyses, memoranda, agreements, notes, orders, policies, procedures, protocols, reports, rules, training materials, other manuals, or studies related to the District's use of surveillance systems to monitor student activity with respect to all of the subparts of your request. (See Footnote 7 of your original request). Now that you have clarified that your request pertains to all of the District's employees (and former employees who were employed from January 2020 through the date of your request), we determine the number of potentially responsive records to be reviewed at approximately 1,000. Your response arrived several days after the conclusion of the GCISD academic year. Therefore, most of the faculty are now off contract and will have to be contacted upon their return for the new school year. The cost estimate for

this part of your request is as follows:

Compiling, reviewing, and redacting potentially responsive records: 1,000 x 3 minutes = 50 hours at $15.00 per hour = $750.

Overhead fee at 20% = $150

Total charges = $900.00

Again, please note that this is an estimate and the actual cost could be higher.

This cost estimate is being provided in accordance with Texas Government Code § 552.2615. Your clarified request will be considered automatically withdrawn if you do not respond in writing within ten business days that you (a) accept the estimated charges, (b) are modifying the request in response to this cost estimate, or (c) have sent a complaint regarding these estimated charges to the attorney general.

If you would like to proceed with this request, please submit a check in the amount of $445.00 (a deposit) made out to Grapevine-Colleyville ISD., Attention: Communications Department, 3051 Ira E. Woods Avenue, Grapevine, Texas 76501. Please mark the check with Reference # P000953-03323. This payment must be received within 10 business days of the date of this statement. Upon receipt of payment, the Grapevine-Colleyville ISD will proceed.

You may provide a response to the District by any of the following methods:

1. by responding to this email
2. by regular mail to Grapevine-Colleyville ISD, Attention: Alex Harlow, Public Information Specialist, 3051 Ira E Woods, Grapevine, TX 76051
3. in person at the Office of the Grapevine-Colleyville ISD, Attention: Alex Harlow, 3051 Ira E Woods, Grapevine, TX 76051

Finally, the District must notify you if there is a less costly method of viewing the records that you have requested. In this case, the District does not have a less costly way of allowing you to view the records.

Sincerely,

Paula Barbaroux

Chief Operations Officer

To monitor the progress or update this request please log into the Open Public Records Center

Powered by GovQA

EXHIBIT H

Subject: Knight First Amendment Institute information request, Reference #P000953-033023
Date: Wednesday, June 14, 2023 at 6:51:57 PM Eastern Daylight Time
From: Jennifer Jones
To: Williams, Ali

Dear Ali,

Thank you again for speaking with us yesterday regarding the Knight First Amendment Institute's public information request, Reference #P000953-033023. As we discussed, it would be helpful if the District could address the following questions as we work to further clarify our request in response to its correspondence dated June 8, 2023.

First, it is our understanding that the Gaggle and Lightspeed Systems services the District uses to monitor students' digital activities provide a user interface, sometimes called a "dashboard," and that the dashboard generates analytics reports. These reports provide school district administrators with data about the types of content the monitoring software has flagged. See, for example, Lightspeed's Filter Reports and Gaggle's Dashboard Reports. These reports could potentially give us insight into how the District uses the Lightspeed and Gaggle systems, which could potentially aid us in narrowing the scope of our request. Can the District confirm whether it has possession of this information? If so, would it be willing to prioritize production of this information to the Institute?

Second, the District indicated in its correspondence dated June 8, 2023 that its search of all current and former employees' emails for the time period of January 1, 2020, to March 30, 2023, using the 140 search terms that we submitted, resulted in an email count of 2,400,179 potentially responsive emails. We'd like to know if the District is able to further limit these email search results to (1) emails to and from the "lightspeedsystems.com" and "gaggle.net" email domains and/or (2) emails that include the terms "lightspeed" and "gaggle."

Please let me know if you have any questions.

Thank you,
Jennifer

Jennifer Jones (she/her)
Staff Attorney
Knight First Amendment Institute at Columbia University
475 Riverside Drive, Suite 302 | New York, NY 10115
(646) 745-8500
jennifer.jones@knightcolumbia.org

EXHIBIT I

Tex. Atty. Gen. Op. OR2023-20568 (Tex.A.G.), Tex. Atty. Gen. Op. 2023-20568, 2023 WL 4332799

Office of the Attorney General

State of Texas
Informal Letter Ruling No. OR2023-20568
June 16, 2023

***1** Ms. Alexandra M. Williams
Counsel for Grapevine-Colleyville Independent School District
Jackson Walker, L.L.P.
777 Main Street, Suite 2100
Fort Worth, Texas 76102

Dear Ms. Williams:
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# 062638 (Internal Ref: P000953-033023).

The Grapevine-Colleyville Independent School District (the "district"), which you represent, received a request for information, including communications, regarding the district's digital surveillance system. You claim the submitted information is excepted from disclosure under section 552.139 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.139 of the Government Code provides, in relevant part:
(a) Information is excepted from [required public disclosure] if it is information that relates to computer network security, to restricted information under Section 2059.055 [of the Government Code], or to the design, operation, or defense of a computer network.

(b) 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; [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.

Id. § 552.139(a), (b)(1)-(2), (4). Section 2059.055 of the Government Code provides, in pertinent part:
(b) Network security information is confidential under this section if the information is:
(1) related to passwords, personal identification numbers, access codes, encryption, or other components of the security system of a governmental entity;

(2) collected, assembled, or maintained by or for a governmental entity to prevent, detect, or investigate criminal activity; or

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(3) related to an assessment, made by or for a governmental entity or maintained by a governmental entity, of the vulnerability of a network to criminal activity.

Id. § 2059.055(b). You state the submitted information reveals "certain words and website addresses which the [d]istrict has chosen to block or filter ... because of their propensity to expose the [district's computers and networks to malicious sites and other risks." You state the information at issue, if released, "may expose the [d]istrict to unnecessary security threats." Based on these arguments and our review of the information, we find the information we marked relates to computer network security, and the design, operation, or defense of the district's computer network. Accordingly, the district must withhold the information we marked under section 552.139 of the Government Code. However, we find you have not demonstrated the remaining information is subject to section 552.139. Accordingly, the district may not withhold any of the remaining information under section 552.139 of the Government Code. The district must release the remaining information.

***2** 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,

D. Michelle Case
Assistant Attorney General
Open Records Division

Tex. Atty. Gen. Op. OR2023-20568 (Tex.A.G.), Tex. Atty. Gen. Op. 2023-20568, 2023 WL 4332799

End of Document

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EXHIBIT J

Subject: RE: Knight First Amendment Institute information request, Reference #P000953-033023
Date: Wednesday, June 21, 2023 at 4:27:11 PM Eastern Daylight Time
From: Williams, Ali
To: Jennifer Jones
Attachments: image001.png

Good afternoon, Jennifer:

I have communicated with Grapevine-Colleyville ISD ("GCISD") regarding your email below, which GCISD construes to be a clarification of your clarified request provided in your correspondence to GCISD dated June 2, 2023.

With regard to your first clarification, GCISD has identified reports associated with Lightspeed and/or Gaggle. However, GCISD does not believe such reports are subject to disclosure and will be seeking an opinion from the Attorney General regarding the withholding of such reports.

With regard to your second clarification, pertaining to further limiting the email search results to (1) emails to and from the "lightspeedsystems.com" and "gaggle.net" email domains and/or (2) emails that include the terms "lightspeed" and "gaggle," GCISD has further limited such search. 824 responsive emails have been identified. As required by Texas Gov't Code Sec. 552.2615, GCISD is providing a cost estimate for this part of your records request. GCISD is not waiving its right to charge fees as allowed by law. The estimate includes the time to review each potentially responsive email and its attachments and to redact any information as allowed by law, including but not limited to personally identifiable information of students. GCISD reserves the right to submit other information it finds in these emails to the Attorney General's Office for a determination about its withholding. The cost estimate for your clarified request as provided in your email correspondence below dated June 14, 2023 is as follows:

- Compiling, reviewing, and redacting potentially responsive emails: 824 x 3 minutes = 41.2 hours at $15.00 per hour = $618
- Overhead fee at 20% = $123.6
- Total charges = $741.60

Please note that this is an estimate and the actual cost could be higher.

This cost estimate is being provided in accordance with Texas Gov't Code Sec. 552.2615. Your clarified request will be considered automatically withdrawn if you do not respond in writing within ten business days that you (a) accept the estimated charges, (b) are modifying the request in response to this cost estimate, or (c) have sent a complaint regarding these estimated charges to the attorney general. Your response may be sent by e-mail correspondence or regular mail to me as counsel for GCISD as well as by regular mail, in person, or through communication utilizing GCISD's PIA portal.

Additionally, GCISD, through counsel, received yesterday a ruling made by the Attorney General regarding the correspondence submitted by GCISD, through counsel, on April 13, 2023 and April 20, 2023 regarding your public information request #P000953-033023. The Attorney General ruled that some information shall be released to you and some information shall be withheld. GCISD personnel will release to you the information not subject to be withheld within the required time period.

Regards,
Ali

Ali Williams | Attorney
777 Main Street Suite 2100 | Fort Worth, TX | 76102
V: (817) 334-7292 | F: (817) 334-7290 | amwilliams@jw.com



From: Jennifer Jones <jennifer.jones@knightcolumbia.org>
Sent: Wednesday, June 14, 2023 5:52 PM
To: Williams, Ali <amwilliams@jw.com>
Subject: Knight First Amendment Institute information request, Reference #P000953-033023

****RECEIVED FROM EXTERNAL SENDER – USE CAUTION****

Dear Ali,

Thank you again for speaking with us yesterday regarding the Knight First Amendment Institute's public information request, Reference #P000953-033023. As we discussed, it would be helpful if the District could address the following questions as we work to further clarify our request in response to its correspondence dated June 8, 2023.

First, it is our understanding that the Gaggle and Lightspeed Systems services the District uses to monitor students' digital activities provide a user interface, sometimes called a "dashboard," and that the dashboard generates analytics reports. These reports provide school district administrators with data about the types of content the monitoring software has flagged. See, for example, Lightspeed's Filter Reports and Gaggle's Dashboard Reports. These reports could potentially give us insight into how the District uses the Lightspeed and Gaggle systems, which could potentially aid us in narrowing the scope of our request. Can the District confirm whether it has possession of this information? If so, would it be willing to prioritize production of this information to the Institute?

Second, the District indicated in its correspondence dated June 8, 2023 that its search of all current and former employees' emails for the time period of January 1, 2020, to March 30, 2023, using the 140 search terms that we submitted, resulted in an email count of 2,400,179 potentially responsive emails. We'd like to know if the District is able to further limit these email search results to (1) emails to and from the "lightspeedsystems.com" and "gaggle.net" email domains and/or (2) emails that include the terms "lightspeed" and "gaggle."

Please let me know if you have any questions.

Thank you,
Jennifer

Jennifer Jones (she/her)
Staff Attorney

Knight First Amendment Institute at Columbia University
475 Riverside Drive, Suite 302 | New York, NY 10115
(646) 745-8500
jennifer.jones@knightcolumbia.org

EXHIBIT K

Alexandra M. Williams
(817) 334-7292 (Direct Dial)
(817) 334-7290 (Direct Fax)
amwilliams@jw.com

June 28, 2023

VIA ONLINE SUBMISSION

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

Re: Clarified Open Records Request of Jennifer Jones of the Knight First Amendment Institute received on June 14, 2023
Internal Ref: P000953-033023

Dear Attorney General Paxton:

I am counsel to the Board of Trustees for Grapevine-Colleyville Independent School District (the "District"). The District received the public information request attached as Exhibit 1[1] on March 30, 2023 ("Original Request"). The District timely requested and obtained a ruling from the Attorney General regarding part of the Original Request.[2] The requestor responded to the District's request for clarification of the remainder of the Original Request on June 14, 2023 ("Clarified Request"), which is attached as Exhibit 2.[3]

In response to the Clarified Request, the District informed the requestor it intended to seek a ruling from the Attorney General with respect to the first part of the Clarified Request and provided a cost estimate pursuant to Texas Government Code § 552.2615 with respect to the second part of the Clarified Request.[4]

[1] Exhibit 1 also contains the District's correspondence to the Attorney General regarding the Original Request as well as the Attorney General's ruling pertaining to same.

[2] Following the receipt of the Attorney General's ruling on part of the Original Request, the District timely produced the documents identified by the Attorney General as not subject to withholding. The Attorney General assigned the District's request pertaining to the Original Request ID# 062638.

[3] The requestor's correspondence containing the clarification followed a telephone call with undersigned counsel regarding the substance of the request, and such correspondence was sent directly to counsel for the District, to be received on behalf of the District.

[4] As of the date of this correspondence, the District has not yet received a response from the requestor regarding the cost estimate. The District reserves 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.

As such, the District now requests an opinion on certain documents attached as Exhibit 3, which are responsive to the first part of the Clarified Request. The first part of the Clarified Request seeks reports from Gaggle and Lightspeed Systems which provide data to District personnel regarding content flagged by Gaggle and Lightspeed Systems during students' and employees' use of District technology.[5]

This correspondence constitutes the District's submission required under Texas Government Code § 552.301(b) and (e) with respect to the Clarified Request. By copy of this letter, the District is informing the requestor of its submission of written comments to the Attorney General regarding the Clarified Request under Section 552.301(b) and (e). Tex. Gov't Code § 552.301(d), (e-1).

TEX. GOV'T CODE § 552.139 – Confidentiality of Government Information Related to Security or Infrastructure Issues for Computers

Exhibit 3 contains the responsive information the District maintains is not subject to disclosure. Exhibit 3 contains a report generated by Gaggle which identifies words and/or subjects monitored by Gaggle and shows the number of instances in which such word and/or subject is flagged by the Gaggle program within the District's technology systems. The District has engaged the services of Gaggle 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.

Certain words, subjects, and/or website addresses which the District has chosen to block or filter have been chosen because of their propensity to expose the District's computers and network to malicious sites and other risks. In other words, the requested information is "information directly arising from the [District's] routine efforts to prevent . . . a computer security incident." Tex. Gov't Code § 552.139(b)(4). The public disclosure of such words, website addresses, and other related information may expose the District to unnecessary security threats. As such, the District requests that Attorney General permit the District to withhold all information responsive to the Request (*i.e.*, the entirety of Exhibit 3).[6]

Conclusion

The District believes that the responsive documents contained in Exhibit 3 should be excepted from disclosure under the Act. The Attorney General has not made a previous determination regarding the specific information contained in Exhibit 3.

By copy of this letter, the District is informing the requestor of its request to the Attorney General, contained herein, for a decision regarding whether the information is within an exception and of

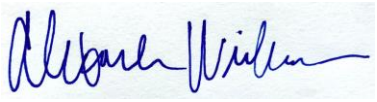
[5] *See* Exhibit 2.

[6] *See* Tex. Att'y Gen. Op. No. OR2019-01233 (finding that a school district must withhold information in response to a similar request for "all urls and keywords that are blocked on school and or district WiFi networks" as such information "relates to computer network security, and the design, operation, or defense of the district's computer network").

its intent to withhold the requested information until a decision is made by your office pursuant to this request. Tex. Gov't Code § 552.301(d), (e-1).

Should you have any questions, please do not hesitate to contact me.

Sincerely,



Alexandra M. Williams
Attorney

Enclosures as noted

cc: Requestor Jennifer Jones, The Knight First Amendment Institute, w/o enclosures (via email)

Paula Barbaroux, Gema Padgett, Alex Harlow w/o enclosures (via email)

EXHIBIT L

Subject: RE: Knight First Amendment Institute information request, Reference #P000953-033023
Date: Thursday, July 20, 2023 at 10:47:23 AM Eastern Daylight Time
From: Williams, Ali
To: Jennifer Jones
CC: Stacy Livingston, Alexander A Abdo
Attachments: image001.png

Jennifer,

I checked with the District regarding payment method, and the District cannot accept a credit card payment. Once the District receives the Institute's payment, it can begin to review the responsive records.

Given the volume of the records and the need to review for FERPA-protected information as well as information that should be presented to the Attorney General for a determination for withholding under the Public Information Act, as well as the other duties of the District employee assisting with this request given that the school year will soon be starting, the District will not be able to provide the responsive documents to the Institute within 10 business days after receiving payment. The District estimates needing 25 business days to review the records and provide responsive documents to the Institute.

Additionally, as noted in my e-mail correspondence to you on June 21, 2023 including the cost estimate, the cost estimate is just an estimate and could be higher. This will not be able to be precisely determined until the conclusion of the District's work in compiling and providing the responsive records is complete. If the District determines before it makes the records available to the Institute that the estimated charges will exceed the charges detailed in the previous written itemized statement (in my June 21, 2023 email) by 20 percent or more, the District will send to the Institute a written updated itemized statement that details all estimated charges that will be imposed, including any allowable charges for labor or personnel costs. If the Institute does not respond in writing to this updated estimate in the time and manner described by Tex. Gov't Code 552.2615(b), the request will be considered to have been withdrawn by the Institute.

Finally, your email below states that the Institute will pay the fees for the request, conditional on the Institute's right to seek judicial review of the denial of the request for a fee waiver. The determination made with regard to the requested fee waiver pursuant to Tex. Gov't Code 552.267(a) lies solely with the District. As stated herein, the District requires the Institute's payment to begin work on this request. Such payment is not conditional.

Please let me know if there is specific information you need in order to provide payment to the District for this request.

Ali

Ali Williams | Attorney
777 Main Street Suite 2100 | Fort Worth, TX | 76102
V: (817) 334-7292 | F: (817) 334-7290 | amwilliams@jw.com

Jackson Walker LLP

From: Jennifer Jones <jennifer.jones@knightcolumbia.org>
Sent: Thursday, July 13, 2023 3:02 PM
To: Williams, Ali <amwilliams@jw.com>
Cc: Stacy Livingston <stacy.livingston@knightcolumbia.org>; Alexander A Abdo <alex.abdo@knightcolumbia.org>
Subject: Re: Knight First Amendment Institute information request, Reference #P000953-033023

****RECEIVED FROM EXTERNAL SENDER – USE CAUTION****

Dear Ali,
Thank you for your response. The Institute will pay for the fees associated with request #P000953-033023, conditional on our right to seek judicial review of the denial of our request for a fee waiver. Please let us know how we can remit payment for information responsive to this request. In the interest of obtaining the information as soon as possible, the Institute would prefer to pay via credit card. Please note that if the District requires payment via check, the Institute would need at least 3 weeks to process the check in accordance with Columbia University's payment processing timeline.
Thank you,

Jennifer Jones (she/her)
Staff Attorney
Knight First Amendment Institute at Columbia University
475 Riverside Drive, Suite 302 | New York, NY 10115
(646) 745-8500
jennifer.jones@knightcolumbia.org

From: Williams, Ali <amwilliams@jw.com>
Date: Friday, July 7, 2023 at 10:46 AM
To: Jennifer Jones <jennifer.jones@knightcolumbia.org>
Cc: Stacy Livingston <stacy.livingston@knightcolumbia.org>, Alexander A Abdo <alex.abdo@knightcolumbia.org>
Subject: RE: Knight First Amendment Institute information request, Reference #P000953-033023

Jennifer,

The District does not determine that the standard in Tex. Gov't Code Sec. 552.267(a) is met in this instance, and, therefore, will not waive or reduce the charges associated with the Knight First Amendment Institute's request.

Ali Williams | Attorney
777 Main Street Suite 2100 | Fort Worth, TX | 76102
V: (817) 334-7292 | F: (817) 334-7290 | amwilliams@jw.com

From: Jennifer Jones <jennifer.jones@knightcolumbia.org>
Sent: Friday, June 30, 2023 1:10 PM
To: Williams, Ali <amwilliams@jw.com>
Cc: Stacy Livingston <stacy.livingston@knightcolumbia.org>; Alexander A Abdo <alex.abdo@knightcolumbia.org>
Subject: Re: Knight First Amendment Institute information request, Reference #P000953-033023

****RECEIVED FROM EXTERNAL SENDER – USE CAUTION****

Dear Ali,

Thank you for your response. We write to ask that the District reconsider its decision regarding the Institute's request for a fee waiver, which was included in its public information request #P000953-033023. The Texas Public Information Act 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. Specifically, the requested information is necessary to the public's understanding of how schools enforce rules concerning classroom discussions about sexuality, gender, and race. *See, e.g.*, Mark Keierleber, *The risks of student surveillance amid abortion bans and LGBTQ restrictions*, THE GUARDIAN (Sep. 8, 2022, 6:00 PM), https://www.theguardian.com/education/2022/sep/08/abortion-bans-school-surveillance-lgbtq-restrictions; Brian Lopez, *Republican bill that limits how race, slavery and history are taught in Texas schools becomes law*, THE TEXAS TRIBUNE (Dec. 2, 2021, 6:00 PM), https://www.texastribune.org/2021/12/02/texas-critical-race-theory-law/#:~:text=Republican%20bill%20that%20limits%20how,public%20policy%20or%20social%20affairs.%E2%80%9D. 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 Institute will make any information disclosed available to the public at no cost.

In light of the above, we ask that the District waive or reduce the $741.60 fee estimate it provided in its correspondence below, dated June 21, 2023. Thank you for considering our request.

Regards,
Jennifer

Jennifer Jones (she/her)
Staff Attorney
Knight First Amendment Institute at Columbia University
475 Riverside Drive, Suite 302 | New York, NY 10115
(646) 745-8500
jennifer.jones@knightcolumbia.org

From: Williams, Ali <amwilliams@jw.com>
Date: Wednesday, June 21, 2023 at 4:27 PM
To: Jennifer Jones <jennifer.jones@knightcolumbia.org>
Subject: RE: Knight First Amendment Institute information request, Reference #P000953-033023

Good afternoon, Jennifer:

I have communicated with Grapevine-Colleyville ISD ("GCISD") regarding your email below, which GCISD construes to be a clarification of your clarified request provided in your correspondence to GCISD dated June 2, 2023.

With regard to your first clarification, GCISD has identified reports associated with Lightspeed and/or Gaggle. However, GCISD does not believe such reports are subject to disclosure and will be seeking an opinion from the Attorney General regarding the withholding of such reports.

With regard to your second clarification, pertaining to further limiting the email search results to (1) emails to and from the "lightspeedsystems.com" and "gaggle.net" email domains and/or (2) emails that include the terms "lightspeed" and "gaggle," GCISD has further limited such search. 824 responsive emails have been identified. As required by Texas Gov't Code Sec. 552.2615, GCISD is providing a cost estimate for this part of your records request. GCISD is not waiving its right to charge fees as allowed by law. The estimate includes the time to review each potentially responsive email and its attachments and to redact any information as allowed by law, including but not limited to personally identifiable information of students. GCISD reserves the right to submit other information it finds in these emails to the Attorney General's Office for a determination about its withholding. The cost estimate for your clarified request as provided in your email correspondence below dated June 14, 2023 is as follows:

- Compiling, reviewing, and redacting potentially responsive emails: 824 x 3 minutes = 41.2 hours at $15.00 per hour = $618
- Overhead fee at 20% = $123.6
- Total charges = $741.60

Please note that this is an estimate and the actual cost could be higher.

This cost estimate is being provided in accordance with Texas Gov't Code Sec. 552.2615. Your clarified request will be considered automatically withdrawn if you do not respond in writing within ten business days that you (a) accept the estimated charges, (b) are modifying the request in response to this cost estimate, or (c) have sent a complaint regarding these estimated charges to the attorney general. Your response may be sent by e-mail correspondence or regular mail to me as counsel for GCISD as well as by regular mail, in person, or through communication utilizing GCISD's PIA portal.

Additionally, GCISD, through counsel, received yesterday a ruling made by the Attorney General regarding the correspondence submitted by GCISD, through counsel, on April 13, 2023 and April 20, 2023 regarding your public information request #P000953-033023. The Attorney General ruled that some information shall be released to you and some information shall be withheld. GCISD personnel will release to you the information not subject to be withheld within the required time period.

Regards,
Ali

Ali Williams | Attorney
777 Main Street Suite 2100 | Fort Worth, TX | 76102
V: (817) 334-7292 | F: (817) 334-7290 | amwilliams@jw.com



From: Jennifer Jones <jennifer.jones@knightcolumbia.org>
Sent: Wednesday, June 14, 2023 5:52 PM
To: Williams, Ali <amwilliams@jw.com>
Subject: Knight First Amendment Institute information request, Reference #P000953-033023

****RECEIVED FROM EXTERNAL SENDER – USE CAUTION****

Dear Ali,

Thank you again for speaking with us yesterday regarding the Knight First Amendment Institute's public information request, Reference #P000953-033023. As we discussed, it would be helpful if the District could address the following questions as we work to further clarify our request in response to its correspondence dated June 8, 2023.

First, it is our understanding that the Gaggle and Lightspeed Systems services the District uses to monitor students' digital activities provide a user interface, sometimes called a "dashboard," and that the dashboard generates analytics reports. These reports provide school district administrators with data about the types of content the monitoring software has flagged. See, for example, Lightspeed's Filter Reports and Gaggle's Dashboard Reports. These reports could potentially give us insight into how the District uses the Lightspeed and Gaggle systems, which could potentially aid us in narrowing the scope of our request. Can the District confirm whether it has possession of this information? If so, would it be willing to prioritize production of this information to the Institute?

Second, the District indicated in its correspondence dated June 8, 2023 that its search of all current and former employees' emails for the time period of January 1, 2020, to March 30, 2023, using the 140 search terms that we submitted, resulted in an email count of 2,400,179 potentially responsive emails. We'd like to know if the District is able to further limit these email search results to (1) emails to and from the "lightspeedsystems.com" and "gaggle.net" email domains and/or (2) emails that include the terms "lightspeed" and "gaggle."

Please let me know if you have any questions.

Thank you,
Jennifer

Jennifer Jones (she/her)
Staff Attorney

Knight First Amendment Institute at Columbia University
475 Riverside Drive, Suite 302 | New York, NY 10115
(646) 745-8500
jennifer.jones@knightcolumbia.org

EXHIBIT M

Tex. Atty. Gen. Op. OR2023-30020 (Tex.A.G.), Tex. Atty. Gen. Op. 2023-30020, 2023 WL 6369986

Office of the Attorney General

State of Texas
Informal Letter Ruling No. OR2023-30020
August 31, 2023

***1** Ms. Alexandra M. Williams
Counsel for Grapevine-Colleyville Independent School District
Jackson Walker, L.L.P.
777 Main Street, Suite 2100
Fort Worth, Texas 76102

Dear Ms. Williams:
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# 077074 (Internal Ref: P000953-033023).

The Grapevine-Colleyville Independent School District (the "district"), which you represent, received a request for information, including a report regarding the district's digital surveillance system. [1] You claim the submitted information is excepted from disclosure under section 552.139 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.139 of the Government Code provides, in relevant part:
(a) Information is excepted from [required public disclosure] if it is information that relates to computer network security, to restricted information under Section 2059.055 [of the Government Code], or to the design, operation, or defense of a computer network.

(b) 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; [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.

Id. § 552.139(a), (b)(1)-(2), (4). You state the submitted information consists of a report generated by the district's digital surveillance system that reveals the words and subjects that are being monitored by the system and the number of instances they are flagged by the program. You explain that the district has engaged these services to protect the safety and security of

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district students and employees and the safety and security of the district's network by preventing computer security incidents. Based on these arguments and our review of the information, we agree the information you marked relates to computer network security, and the design, operation, or defense of the district's computer network. Accordingly, the district must withhold the information you marked under section 552.139 of the Government Code.

***2** 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,

Michelle Garza
Assistant Attorney General
Open Records Division

Footnotes

1 You state the district sought and received clarification of the information requested. *See* Gov't Code § 552.222 (providing if request for information is unclear, governmental body may ask requestor to clarify request); *see also City of Dallas v. Abbott*, 304 S.W.3d 380, 387 (Tex. 2010) (holding that when a governmental entity, acting in good faith, requests clarification or narrowing of an unclear or overbroad request for information, the ten-day period to request an attorney general ruling is measured from the date the request is clarified or narrowed).

Tex. Atty. Gen. Op. OR2023-30020 (Tex.A.G.), Tex. Atty. Gen. Op. 2023-30020, 2023 WL 6369986

End of Document

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EXHIBIT N

Subject: [Records Center] Open Public Records Request :: P000953-033023
Date: Monday, October 23, 2023 at 10:17:06 AM Eastern Daylight Time
From: GCISD Support
To: Jennifer Jones

--- Please respond above this line ---

GRAPEVINE COLLEYVILLE INDEPENDENT SCHOOL DISTR CT

RE: PUBLIC RECORDS REQUEST of March 30, 2023, Reference # P000953-033023

Dear Ms. Jones,

Upon receipt of your payment, the District downloaded the 824 responsive emails and began its review for the purposes of redacting confidential information. In doing so, we discovered that almost all emails contain the very information the Texas Attorney General agreed must be withheld. The emails contain information about subjects being searched, keywords being monitored, threat types, and why the communication was flagged for review by District personnel. All of that information would be redacted and the result would be emails with very little information. We have attached a sample of a redacted email to illustrate the point.

If you agree that once redacted the information is of no use, the District is willing to refund the payment and close this request. If not, the District will once again seek an opinion of the Attorney General's office. I have attached a copy of the previous Attorney General's ruling.

Please let me know how you would like to proceed.

Sincerely,

Paula Barbaroux

Chief Operations Officer

To monitor the progress or update this request please log into the Open Public Records Center

Powered by GovQA

EXHIBIT O

KNIGHT
FIRST AMENDMENT
INSTITUTE at
COLUMBIA UNIVERSITY

475 Riverside Drive, Suite 302
New York, NY 10115
(646) 745-8500
info@knightcolumbia.org

November 7, 2023

Ali Williams
Jackson Walker LLP
777 Main Street Suite 2100
Fort Worth, TX 76102
amwilliams@jw.com

Re: Public Information Act request, Reference # P000953-033023

Counsel,

The Knight First Amendment Institute at Columbia University received an email from Grapevine-Colleyville Independent School District dated October 23, 2023 offering to refund our payment for the processing of 824 emails responsive to subsection (c) of our information request because, according to the District, most of the information in those emails would be redacted. The District also stated that, if the Institute nonetheless insisted on the processing and production of those emails, the District would seek an opinion from the Attorney General's office. We would like the District to continue to process and disclose the 824 emails it has identified as responsive to our request.

Moreover, we do not agree with the District that the information it intends to redact from the emails falls within any disclosure exception. On June 2, 2023 the Institute identified search terms to clarify the information we seek related to subsection (c) of our original request, and on June 14, 2023, we sent an email further narrowing the scope of information requested in subsection (c) to (1) emails to and from the "lightspeedsystems.com" and "gaggle.net" email domains and/or (2) emails that include the terms "lightspeed" and "gaggle." The search terms that we provided specifically relate to concepts and terminology associated with social and political issues and identities such as race, gender, and sexual orientation. Neither these terms nor their presence in the emails at issue would reveal information related to the "design, operation, or defense of a computer network." Tex. Gov't Code § 552.139(a). Previously, you indicated that the District had blocked or

filtered from its network "[c]ertain words and website addresses" because of their propensity to expose the District's network to "malicious sites." But the search terms we've provided are not the kind of terms that could expose the District's network to a "computer security incident." *See* Tex. Gov't Code § 552.139(b)(4) (limiting excepted information to that which "directly "aris[es]" from "routine efforts" to address a "*computer* security incident") (emphasis added). At most, they would reveal that the District monitors its students' reading of material related to certain political and social topics, but that is no basis for redacting the search terms.

Finally, while we understand that you intend to seek an opinion from the Attorney General, we believe that such a request would be untimely. We sent (and the District received) our final clarification of the request on June 14, 2023. If the District wished to withhold any requested information, it was required to ask for an Attorney General opinion within ten days of receiving the clarified request. Tex Gov't Code § 552.301(b); *see also City of Dallas v. Abbott*, 304 S.W.3d 380, 387 (Tex. 2010) (when a governmental entity requests a good-faith clarification of a request, the ten-day period to request an attorney general ruling is measured from the date of clarification). In your June 21 correspondence to us and in your June 28 request to the Attorney General, you indicated that the District "reserves the right to submit other information it finds in these emails to the Attorney General's Office for a determination about its withholding." But the Public Information Act is clear that the ten-day clock to request an Attorney General opinion runs from the day the request is received or clarified. *See Dallas Area Rapid Transit v. Dallas Morning News,* 4 S.W.3d 469, 475 (Tex. App. 1999) (finding that the ten-day clock for requesting Attorney General opinion ran from the date of the request where the government agency was capable of perceiving the connection between requested information and an exemption that could apply in the future). As such, the information at issue is presumptively subject to disclosure. Tex. Gov't Code § 552.302; *Simmons v. Kuzmich*, 166 S.W.3d 342, 350 (Tex. App. 2005).

* * *

Accordingly, we ask that the District complete its processing and disclosure of the 824 emails responsive to our June 14 clarified request. Please let me know if you have any questions. Thank you.

/s/ Jennifer Jones
Jennifer Jones
Knight First Amendment Institute
at Columbia University

475 Riverside Drive, Suite 302
New York, NY 10115
(646) 745-8500
jennifer.jones@knightcolumbia.org

EXHIBIT P

Monday, March 10, 2025 at 14:58:23 Eastern Daylight Time

Subject: RE: Knight Institute Public Information Act request, Reference # P000953-033023.
Date: Tuesday, November 14, 2023 at 5:38:20 PM Eastern Standard Time
From: Williams, Ali
To: Jennifer Jones
CC: Alexander A Abdo, Hannah Vester
Attachments: image001.png

Jennifer,

Pursuant to the request in your correspondence, the District will continue to process for production the emails it has identified as responsive to KFAI's request, as clarified, noting it has KFAI's payment on file. The District estimates it will be able to complete the review of such emails for production by end of the week, and production will be made to KFAI through the PIA portal utilized by the District (through which KFAI has received other correspondence from the District). The District's continued review will be for the purpose of making redactions in accordance with the Family Educational Rights and Privacy Act (FERPA) and 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.

Best,
Ali

Ali Williams | Attorney
777 Main Street Suite 2100 | Fort Worth, TX | 76102
V: (817) 334-7292 | F: (817) 334-7290 | amwilliams@jw.com

JW | Jackson Walker LLP

From: Jennifer Jones <jennifer.jones@knightcolumbia.org>
Sent: Tuesday, November 7, 2023 3:28 PM
To: Williams, Ali <amwilliams@jw.com>
Cc: Alexander A Abdo <alex.abdo@knightcolumbia.org>; Hannah Vester <hannah.vester@knightcolumbia.org>
Subject: Knight Institute Public Information Act request, Reference # P000953-033023.

****RECEIVED FROM EXTERNAL SENDER – USE CAUTION****

Ali,

Please see the attached correspondence regarding the Knight First Amendment Institute's Public Information Act request, Reference # P000953-033023.

Please let me know if you have any questions.

Thank you,
Jennifer

Jennifer Jones (she/her)
Staff Attorney
Knight First Amendment Institute at Columbia University
475 Riverside Drive, Suite 302 | New York, NY 10115
(646) 745-8500
jennifer.jones@knightcolumbia.org

EXHIBIT Q

Subject: Re: Knight Institute Public Information Act request, Reference # P000953-033023.
Date: Thursday, November 16, 2023 at 4:38:35 PM Eastern Standard Time
From: Jennifer Jones
To: Williams, Ali
CC: Alexander A Abdo, Hannah Vester
Attachments: image001.png

Ali,

We appreciate your update that the District will continue to process the emails responsive to the Institute's request. However, we object to the District's reliance on the previous Attorney General opinions dated June 16 and August 31, 2023 to redact information in the emails under section 552.139 of the Government Code. Those opinions made clear that the Attorney General's rulings are "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." Tex. Atty. Gen. Op. 2023-20568 (June 16, 2023); Tex. Atty. Gen. Op. 2023-30020 (Aug. 31, 2023).

Accordingly, the previous opinions do not authorize redactions made in response to the second part of our clarified request, which the District expressly excluded from its June 28 submission to the Attorney General.

As we explained in our correspondence dated November 7, if the District contends that information responsive to part two of the Institute's clarified request is excludable, it was required to request an additional opinion within ten days of receiving that clarification on June 14. Because the District missed this deadline and is not permitted to rely on previous Attorney General opinions, it is not permitted to redact any information responsive to our clarified request under section 552.139.

Jennifer Jones (she/her)
Staff Attorney
Knight First Amendment Institute at Columbia University
475 Riverside Drive, Suite 302 | New York, NY 10115
(646) 745-8500
jennifer.jones@knightcolumbia.org

From: Williams, Ali <amwilliams@jw.com>
Date: Tuesday, November 14, 2023 at 5:38 PM
To: Jennifer Jones <jennifer.jones@knightcolumbia.org>
Cc: Alexander A Abdo <alex.abdo@knightcolumbia.org>, Hannah Vester <hannah.vester@knightcolumbia.org>
Subject: RE: Knight Institute Public Information Act request, Reference # P000953-033023.

Jennifer,

Pursuant to the request in your correspondence, the District will continue to process for production the

emails it has identified as responsive to KFAI's request, as clarified, noting it has KFAI's payment on file. The District estimates it will be able to complete the review of such emails for production by end of the week, and production will be made to KFAI through the PIA portal utilized by the District (through which KFAI has received other correspondence from the District). The District's continued review will be for the purpose of making redactions in accordance with the Family Educational Rights and Privacy Act (FERPA) and 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.

Best,
Ali

Ali Williams | Attorney
777 Main Street Suite 2100 | Fort Worth, TX | 76102
V: (817) 334-7292 | F: (817) 334-7290 | amwilliams@jw.com

JW | Jackson Walker LLP

From: Jennifer Jones <jennifer.jones@knightcolumbia.org>
Sent: Tuesday, November 7, 2023 3:28 PM
To: Williams, Ali <amwilliams@jw.com>
Cc: Alexander A Abdo <alex.abdo@knightcolumbia.org>; Hannah Vester <hannah.vester@knightcolumbia.org>
Subject: Knight Institute Public Information Act request, Reference # P000953-033023.

****RECEIVED FROM EXTERNAL SENDER – USE CAUTION****

Ali,

Please see the attached correspondence regarding the Knight First Amendment Institute's Public Information Act request, Reference # P000953-033023.

Please let me know if you have any questions.

Thank you,
Jennifer

Jennifer Jones (she/her)
Staff Attorney
Knight First Amendment Institute at Columbia University
475 Riverside Drive, Suite 302 | New York, NY 10115
(646) 745-8500
jennifer.jones@knightcolumbia.org

EXHIBIT R

From: **Lightspeed Systems** do_not_reply@lightspeedsystems.com
Subject: [EXTERNAL] Lightspeed Systems Notification for [redacted]: Self-Harm
Date: August 24, 2022 at 6:08 PM
To:

LS

Lightspeed Systems®

Incident: Self-Harm

[redacted]

06:07:53 PM

Search: can you die from abortion

https://www.google.com/search

View Student Activity

Lightspeed Systems

2500 Bee Cave Road | Building One, Suite 350 | Austin, TX 78746

Notification Settings.

From: **Lightspeed Systems** do_not_reply@lightspeedsystems.com
Subject: [EXTERNAL] Lightspeed Systems Notification for [redacted]: Self-Harm
Date: October 24, 2022 at 11:12 PM
To:

LS

Lightspeed Systems®

Incident: Self-Harm

[redacted]

[redacted]

11:12:08 PM

Search: can you die from bedbug bites

https://www.google.com/search

View Student Activity

2500 Bee Cave Road | Building One, Suite 350 | Austin, TX 78746

Notification Settings.