



October 7, 2021

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

We represent Konnech, Inc. ("Konnech"). On September 24, 2021, we received notice that the Office of the Attorney General is in the process of reviewing a Public Information Act request directed to the Travis County Purchasing Office ("TCPO") regarding Konnech. Please be advised that Konnech objects to the disclosure of certain portions of the requested material.

We have reviewed the documents that the TCPO proposes to produce in response to the request. Konnech has no objection to most of the proposed documents. However, some of the documents contain screenshots of PollChief, a unique software product developed and marketed by Konnech. Konnech considers screenshots of the PollChief system and specific descriptions of the system's unique features to be trade secret information exempt from disclosure under the Public Information Act. Additionally, the documents contain information that could be used by unauthorized users to access the Travis County PollChief system. Because PollChief is an election management software system, public disclosure of this information could create the risk of election security breaches. Konnech has prepared proposed redactions of the information that it believes is exempt from disclosure under the Public Information Act. Please find the proposed redactions enclosed with this correspondence.

Konnech considers all screenshots of the PollChief software and specific descriptions of the system's unique features to be trade secret information exempt from disclosure pursuant to Tex. Gov't Code § 552.110. Screenshots of PollChief qualify as trade secret information under § 552.110(a), because they depict the software's design and functionality. The screenshots and specific descriptions of unique features qualify as trade secret information under § 552.110(a)(1) because Konnech takes reasonable measures to maintain the confidentiality of the design and functionality of PollChief by restricting access to such information to its governmental clients. The screenshots and specific descriptions of unique features qualify as trade secret information under § 552.110(a)(2) because information about PollChief's design and functionality derives independent economic value from not being generally known or readily ascertainable. Konnech is the only company that markets election management software with the comprehensive suite of features offered by PollChief. Accordingly, Konnech derives significant economic value from the fact that the design and functionality of PollChief are not generally known or readily ascertainable. We have not redacted any information that is subject to § 552.0222(b).

In addition to Konnech's trade secret concerns, the company is concerned that the public dissemination of any URLs that direct users to the Travis County PollChief system could pose a risk to the security of future elections.

Specifically, Konnech objects to the unredacted production of the following information:

1. 15-06-02 Agenda PollChief Election Management System

Konnech objects to the unredacted production of the Konnech Sole Source Justification Statement on pages 4-8 of this document. This document contains specific descriptions of the unique features that the PollChief software offers in comparison to competing software. Konnech considers this to be trade secret information because it describes the system's design and functionality.

2. 17-03-28 Agenda Mod 2.pdf

Konnech objects to the unredacted production of the URL on page 10 of this document. This URL directs the user to the log-in page for the Travis County PollChief system. Public disclosure of this URL could create the risk of unauthorized access to the system. Konnech also objects to the unredacted production of the names of certain third-party products, which appear on page 7. Konnech considers PollChief's ability to interact with third-party products to be trade secret information.

3. 19-10-08 Agenda Mod 3.pdf

Konnech objects to the unredacted production of the PollChief screenshots on pages 8-12 of this document. Konnech considers all screenshots of the PollChief system to be trade secret information because they depict the system's design and functionality.

4. 440002518 Konnech PollChief Mod 2.pdf

Konnech objects to the unredacted production of the URL on page 6 of this document. This URL directs the user to the log-in page for the Travis County PollChief system. Public disclosure of this URL could create the risk of unauthorized access to the system.

5. 4400002518 Mod 3.pdf

Konnech objects to the unredacted production of the PollChief screenshots on pages 4-8 of this document. Konnech considers all screenshots of the PollChief system to be trade secret information because they depict the system's design and functionality. Konnech also objects to the unredacted production of the name of another municipal client's PollChief environment, which appears on page 8, on the basis that it is not responsive to the request regarding Travis County's use of Konnech's services.

We appreciate the opportunity to provide objections to the documents that Travis County proposes to produce in response to this request. Please advise our firm as to the Office of the Attorney General's determination in this matter.

Very truly yours,

FINK BRESSACK

/s/ Nathan J. Fink /DAB

Cc: Eugene Yu, President and CEO of Konnech, Inc.

Matthew Entsminger, Assistant County Attorney, Travis County (via email)

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