



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 2, 2009

Ms. Maria Smith
North Texas Tollway Authority
P.O. Box 260729
Plano, Texas 75026

OR2009-09172

Dear Ms. Smith:

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# 347820.

The North Texas Tollway Authority (the "authority") received a request for toll and parking transaction records pertaining to a specified individual from April 1, 2008 to March 31, 2009. You claim that the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially, we note that you have submitted some information which is not responsive to the present request. The request seeks information during a specified time frame. Accordingly, any information which falls outside of the specified time frame is not responsive to the request. This ruling does not address the public availability of the information we have marked as non-responsive, and you need not release such information in response to the request.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. The authority is governed by the Texas Regional Tollway Authority Act, chapter 366 of the Transportation Code. Section 366.179 of the Transportation Code provides in relevant part:

- (a) For purposes of this section, a transponder is a device placed on or within an automobile that is capable of transmitting or receiving information used

to assess or collect tolls. A transponder is insufficiently funded if there is no money in the account for which the transponder was issued.

...

(d) Transponder customer account information, including contact and payment information and trip data, is confidential and not subject to disclosure under Chapter 552, Government Code.

Transp. Code § 366.179(a), (d); *see id.* § 366.003(1) (“‘Authority’ means a regional tollway authority[.]”). You state that “[i]n connection with the operation of its toll projects, the [authority] issues transponders or ‘TollTags’ to [authority] customers wishing to establish an account with the [a]uthority.” The submitted information consists of a particular customer’s toll transactions compiled by the authority. We therefore conclude that the submitted responsive information is subject to section 366.179(d) of the Transportation Code and must be withheld under section 552.101 of the Government Code.

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 http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General’s Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,



Bob Davis
Assistant Attorney General
Open Records Division

RSD/cc

Ref: ID# 347820

Enc. Submitted documents

cc: Requestor
(w/o enclosures)