



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 10, 2009

Ms. Lori Fixley Winland
Locke, Lord, Bissell & Liddell, L.L.P.
100 Congress Avenue, Suite 300
Austin, Texas 78701-2748

OR2009-16010

Dear Ms. Winland:

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# 361100.

The North Texas Tollway Authority (the "authority"), which you represent, received a request for information related to toll violations that occurred on a specified date at a specified exit. You claim that the requested information is excepted from disclosure under sections 552.101 and 552.130 of the Government Code.¹ We have considered the exceptions you claim and reviewed the submitted information.

Initially, we note you have redacted non-responsive information from the submitted information. This decision does not address the public availability of the non-responsive information, and that information need not be released.

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

¹Although the authority initially raised section 552.136 of the Government Code, you have not submitted arguments explaining how this exception applies to the submitted information. Therefore, we presume that you have withdrawn this exception. See Gov't Code §§ 552.301, .302.

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 in 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.” You state that portions of the submitted information consist of particular customers’ account information compiled by the authority. We therefore conclude that the information you have marked is subject to section 366.179(d) of the Transportation Code and must be withheld under section 552.101 of the Government Code.

Next, you raise section 552.130 of the Government Code for the remaining information. Section 552.130 excepts from disclosure “information [that] relates to . . . a motor vehicle title or registration issued by an agency of this state[.]” Gov’t Code § 552.130(a)(2). Accordingly, the authority must withhold the Texas motor vehicle information we have marked under section 552.130 of the Government Code. However, the remaining information is not the type of information that is protected by section 552.130 and, thus, may not be withheld under section 552.130.

In summary, the information you have marked is subject to section 366.179(d) of the Transportation Code and must be withheld under section 552.101 of the Government Code. The authority must also withhold the information we have marked under section 552.130 of the Government Code. The remaining information must be released.

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, toll free, at (888) 672-6787.

Sincerely,

A handwritten signature in black ink, appearing to read "T Wilcox", written in a cursive style.

Tamara Wilcox
Assistant Attorney General
Open Records Division

TW/dls

Ref: ID# 361100

Enc. Submitted documents

c: Requestor
(w/o enclosures)