



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

July 7, 2010

Ms. Shirley Thomas  
Senior Assistant General Counsel  
Dallas Area Rapid Transit  
P.O. Box 660163  
Dallas, Texas 75266-0163

OR2010-09978

Dear Ms. Thomas:

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# 385646 (DART ORR # 7379).

Dallas Area Rapid Transit ("DART") received a request for information relating to DART's current contract for diesel and gasoline fuels, including the request for proposals, all proposals submitted, and the executed contract. You state that some of the requested information has released. Although you take no position on the public availability of the submitted proposals, you believe that they may implicate the interests of Fuelman of DFW ("Fuelman") and Mansfield Oil Company ("Mansfield"). You inform us that Fuelman and Mansfield were notified of this request for information and of their right to submit arguments to this office as to why the submitted information should not be released.<sup>1</sup> We have reviewed the information you submitted.

We note that an interested third party is allowed ten business days from the date of its receipt of the governmental body's notice under section 552.305 of the Government Code to submit its reasons, if any, as to why information relating to the party should not be released. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this decision, this office has received no correspondence from either Fuelman or Mansfield. Therefore, because neither of the third parties has demonstrated that any of the submitted information is proprietary for the purposes

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<sup>1</sup>See Gov't Code § 552.305(d); Open Records Decision No. 542 (1990) (statutory predecessor to Gov't Code § 552.305 permitted governmental body to rely on interested third party to raise and explain applicability of exception to disclosure under certain circumstances).

of the Act, DART may not withhold any of the submitted information on the basis of any interest that either Fuelman or Mansfield may have in the information. *See id.* § 552.110(a)-(b); Open Records Decision Nos. 552 at 5 (1990), 661 at 5-6 (1999).

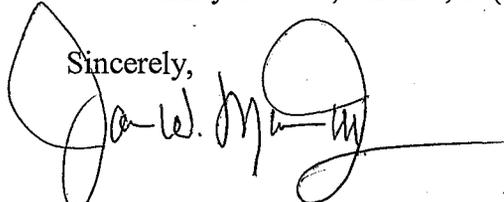
We note that section 552.136 of the Government Code is applicable to some of the submitted information.<sup>2</sup> Section 552.136(b) provides that “[n]otwithstanding any other provision of [the Act], a credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a governmental body is confidential.” Gov’t Code § 552.136(b); *see id.* § 552.136(a) (defining “access device”). DART must withhold the bank account and bank routing numbers we have marked under section 552.136.<sup>3</sup>

In summary, the marked bank account and bank routing numbers must be withheld under section 552.136 of the Government Code. The rest of the submitted 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](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,



James W. Morris, III  
Assistant Attorney General  
Open Records Division

JWM/TP

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<sup>2</sup>This office will raise section 552.136 on behalf of a governmental body, as this exception is mandatory and may not be waived. *See* Gov’t Code §§ 552.007, .352; Open Records Decision No. 674 at 3 n.4 (2001) (mandatory exceptions).

<sup>3</sup>We note that this office recently issued Open Records Decision No. 684 (2009), a previous determination to all governmental bodies authorizing them to withhold ten categories of information, including a bank account number and a bank routing number under section 552.136, without the necessity of requesting an attorney general decision.

Ref: ID# 385646

Enc: Submitted documents

c: Requestor  
(w/o enclosures)

Mr. Barney Holland  
Fuelman of DFW  
1226 East Weatherford Street  
Fort Worth, Texas 76102  
(w/o enclosures)

Mr. Josh Epperson  
Mansfield Oil Company  
1025 Airport Parkway Southwest  
Gainesville, Georgia 30501  
(w/o enclosures)