



ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

March 31, 2011

Mr. Robert Schell
Assistant Director of General Counsel
North Texas Tollway Authority
5900 West Plano Parkway, Suite 100
Plano, Texas 75093

OR2011-04466

Dear Mr. Schell:

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# 413037.

The North Texas Tollway Authority (the "authority") received a request for toll records involving two specified vehicles and a specific time interval. You claim that the requested information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the information you submitted.

We note some of the submitted information does not fall within the time interval specified by the requestor and thus is not responsive to his request. This decision does not address the public availability of the non-responsive information.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This exception encompasses information other statutes make confidential. You state the authority is governed by the Regional Tollway Authority Act, chapter 366 of the Transportation Code. You contend the responsive information is confidential under section 366.179 of the Transportation Code, which provides in 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.

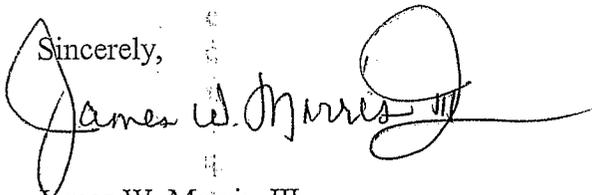
(d) Transponder customer account information, including contact and payment information and trip data, is confidential and not subject to disclosure under [the Act].

Transp. Code § 366.179(a), (d). You explain 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 the responsive information consists of a particular customer's account information maintained by the authority. Based on your representations and our review of the information at issue, we find the information is confidential under section 366.179(d) of the Transportation Code. We therefore conclude the authority must withhold the responsive information on that basis 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, toll free, at (888) 672-6787.

Sincerely,



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

JWM/em

Ref: ID# 413037

Enc: Submitted documents

c: Requestor
(w/o enclosures)