



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

January 3, 2012

Ms. Susana Carbajal Gonzalez  
Assistant City Attorney  
City of Austin  
3600 Presidential Boulevard, Suite 411  
Austin, Texas 78719

OR2012-00038

Dear Ms. Gonzalez:

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# 440890.

The City of Austin's Department of Aviation (the "department") received a request for the car rental market share reports for 2010 and 2011. Although you take no position with respect to the public availability of the requested information, you state the proprietary interests of certain third parties might be implicated. Accordingly, you notified Ace Rent A Car ("Ace"), Advantage Rent A Car ("Advantage"), Alamo-National Rent A Car/Vanguard Car Rental USA, Inc. ("Alamo"), Avis Rent A Car System, L.L.C. ("Avis"), Budget Rent A Car System, Inc. ("Budget"), Dollar Rent A Car/Clearwater Transportation, Inc. ("Dollar"), The Hertz Corp. ("Hertz"), Enterprise Rent A Car ("Enterprise"), and Thrifty Car Rental/Clearwater Transportation, Inc. ("Thrifty") of the request and of their right to submit arguments to this office explaining why their information should not be released. *See* Gov't Code § 552.305 (permitting interested third party to submit to attorney general reasons why requested information should not be released); *see also* Open Records Decision No. 542 (1990) (determining statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in certain circumstances). We have reviewed the submitted information.

We note an interested third party is allowed ten business days after the date of its receipt of the governmental body's notice to submit its reasons, if any, as to why information relating to that party should not be released. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, we have not received arguments from Ace, Advantage, Alamo, Avis, Budget, Dollar, Hertz, Enterprise, or Thrifty. Thus, none of these companies has demonstrated it has a protected proprietary interest in the submitted information. *See id.* § 552.110(a)-(b); Open Records Decision Nos. 661 at 5-6 (1999) (to prevent disclosure of commercial or financial information, party must show by specific factual evidence, not conclusory or generalized allegations, that release of requested information would cause that party substantial competitive harm), 552 at 5 (1990) (party must establish *prima facie* case that information is trade secret), 542 at 3. Accordingly, the department may not withhold the submitted information on the basis of any proprietary interests these companies may have in the information. As you raise no exceptions to disclosure, 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,



Neal Falgoust  
Assistant Attorney General  
Open Records Division

NF/bs

Ref: ID# 440890

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Mr. Dick Radzis  
Ace Rent A Car  
2985 Mannheim Road  
Des Plaines, Illinois 60018  
(w/o enclosures)

Ms. Jackie Agan  
Advantage Rent A Car  
The Hertz Corporation  
24890 78th Avenue, Suite 200  
Denver, Colorado 80249-6391  
(w/o enclosures)

Mr. Howard Zaroff  
Alamo-National Rent-A-Car/Vanguard Car Rental USA, Inc.  
Enterprise Rent A Car  
4210 South Congress Avenue  
Austin, Texas 78745  
(w/o enclosures)

Mr. Joshua Blum  
Avis Rent A Car System, L.L.C.  
Budget Rent A Car System, Inc.  
P.O. Box 612707  
Dallas, Texas 75261  
(w/o enclosures)

Mr. Monty Merrill  
Dollar Rent A Car/Clearwater Transportation, Inc.  
Thrifty Car Rental/Clearwater Transportation, Inc.  
6013 Fountain Wood  
San Antonio, Texas 78233  
(w/o enclosures)