



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 8, 2012

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

OR2012-17986

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# 470715.

Dallas Area Rapid Transit ("DART") received a request for the contract for a specified art installation. Although you take no position as to the public availability of the submitted information, you state release of this information may implicate the proprietary interests of third parties. Thus, pursuant to section 552.305 of the Government Code, you notified Frank Frazier and Stuart Kraft of the request and of their right to submit arguments to this office as to why their information should not be released. Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 (1990) (determining that statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception to disclosure under the Act in certain circumstances).¹ We have reviewed the submitted information.

Initially, we note the requestor clarified his initial request to seek only the contract for the specified art installation. *See* Gov't Code § 552.222 (providing that if request for information is unclear, governmental body may ask requestor to clarify request). Consequently, the submitted information, relating to the artists' proposal for the specified art installation, is not responsive to the present request. This ruling does not address the public availability of non-responsive information, and DART need not release the submitted information in response to this request.

¹As of the date of this ruling, this office has received no correspondence from either Frank Frazier or Stuart Kraft.

However, we note you have not submitted the requested contract for our review. You state you "released non-objectionable documents to the requestor." Thus, to the extent the requested contract existed on the date DART received the request for information, we assume it has been released. If not, it must be released at this time. *See* Gov't Code §§ 552.301, .302; *see also* Open Records Decision No. 664 (2000) (if governmental body concludes that no exceptions apply to requested information, it must release the information as soon as possible).

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,



Kristi L. Wilkins
Assistant Attorney General
Open Records Division

KLW/ag

Ref: ID# 470715

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Mr. Frank Frazier
Mr. Stuart Kraft
Visions in Black
1718 Ramsey
Dallas, Texas 75216
(w/o enclosures)