



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 19, 2013

Ms. Melody K. Smith
Counsel for Dallas County Schools
Strasburger & Price, LLP
901 Main Street, Suite 4400
Dallas, Texas 75202-3794

OR2013-20165

Dear Ms. Smith:

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# 506225 (DCS Ref. #W000272-090313 and #W000276-090913).

Dallas County Schools ("DCS"), which you represent, received a request for copies of all contracts between DCS and any vendors providing external transportation services and all e-mails and written correspondence between DCS and the Dallas Independent School District (the "district") for a specified time period pertaining to the contracting of outside transportation services for students of the district. DCS also received a request from a different requestor for all contracts and any amendments for "the transporting of students" with three named companies. You state DCS released some of the requested information to each of the requestors. You state, although DCS takes no position with respect to the submitted information, its release may implicate the interests of American Logistics Company, L.L.C.; Executive Coach; and Transportation Unlimited, Inc. (collectively, the "third parties"). Accordingly, you state, and provide documentation demonstrating, DCS notified the third parties of the requests for information and of their right to submit arguments stating 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); 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.

Initially, we note an interested third party is allowed ten business days after the date of its receipt of the governmental body's notice under section 552.305(d) to submit its reasons, if any, as to why requested information relating to it should be withheld from disclosure. *See Gov't Code § 552.305(d)(2)(B)*. As of the date of this letter, this office has not received comments from any of the third parties explaining why their information should not be

released to the requestors. Thus, we have no basis to conclude that the release of any portion of the requested information would implicate the interests of any of the third parties. *See id.* § 552.110; 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, we conclude DCS may not withhold any of the submitted information on the basis of any interest the third parties may have in the information. Upon our review, we note portions of the submitted information are subject to sections 552.130 and 552.136 of the Government Code; thus, we will address the applicability of these exceptions to the submitted information.¹

Section 552.130 of the Government Code provides information relating to a motor vehicle operator's or driver's license or permit, a motor vehicle title or registration, or a personal identification document issued by an agency of Texas or another state or country is excepted from public release. Gov't Code § 552.130(a). We conclude DCS must withhold the information we have marked under section 552.130.²

Section 552.136 of the Government Code states, "Notwithstanding any other provision of this chapter, 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." *Id.* § 552.136(b); *see also id.* § 552.136(a) (defining "access device"). This office has determined an insurance policy number is an access device number for the purposes of section 552.136. *See* Open Records Decision No. 684 (2009). Accordingly, DCS must withhold the insurance policy numbers we have marked under section 552.136.³

In summary, DCS must withhold the information we have marked under sections 552.130 and 552.136 of the Government Code. DCS must release the remaining information.

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.

¹The Office of the Attorney General will raise mandatory exceptions on behalf of a governmental body. *See* Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

²We note section 552.130(c) of the Government Code allows a governmental body to redact the information described in subsection 552.130(a) without the necessity of seeking a decision from the attorney general. Gov't Code § 552.130(c). If a governmental body redacts such information, it must notify the requestor in accordance with section 552.130(e). *See id.* § 552.130(d), (e).

³We note section 552.136(c) of the Government Code authorizes a governmental body to redact, without the necessity of requesting a decision from this office, the information described in section 552.136(b). Gov't Code § 552.136(c); *see also id.* § 552.136(d)-(e) (requestor may appeal governmental body's decision to withhold information under section 552.136(c) to attorney general and governmental body withholding information pursuant to section 552.136(c) must provide certain notice to requestor).

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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Lindsay E. Hale
Assistant Attorney General
Open Records Division

LEH/tch

Ref: ID# 506225

Enc. Submitted documents

c: Two Requestors
(w/o enclosures)

Mr. John Zenkovich
Executive Coach
506 North Loop 12
Irving, Texas 75061
(w/o enclosures)

Mr. Melvin Jackson
Transportation Unlimited, Inc.
P.O. Box 397773
Dallas, Texas 75339
(w/o enclosures)

Mr. Craig Puckett
President
American Logistics Company, LLC
520 West Dyer Road
Santa Ana, California 92707
(w/o enclosures)