



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 18, 2014

Ms. Halfreda Anderson-Nelson
Senior Assistant General Counsel
Dallas Area Rapid Transit
P.O. Box 660163
Dallas, Texas 75266-0163

OR2014-16612

Dear Ms. Anderson-Nelson:

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# 538331 (DART ORR# 10945).

The Dallas Area Rapid Transit ("DART") received a request for the winning proposal related to an RFP for advertising services. DART does not take a position as to whether the submitted information is excepted from disclosure under the Act. However, you state, and provide documentation showing, you notified AMS Pictures, Inc. ("AMS") of DART's receipt of the request for information and of AMS's right to submit arguments to this office as to why the requested information should not be released. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 at 3 (1990) (statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in the Act in certain circumstances). In correspondence to this office, AMS asserts some of the requested information is excepted from disclosure under section 552.110 of the Government Code. *See* Gov't Code § 552.305(d); *see also* ORD 542 at 3. We have reviewed the submitted arguments and the submitted information.

The submitted information was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2014-01651 (2014). In that ruling, we determined DART must withhold the marked information under section 552.110 of the Government Code and must release the remaining information to the requestor, but may only release any copyrighted information in accordance with copyright law. We have no indication there has been any change in the law, facts, or circumstances on which the

previous ruling was based. Accordingly, we conclude DART must rely on Open Records Letter No. 2014-01651 as a previous determination and withhold or release the submitted information in accordance with that ruling. *See* Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure).

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.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,



Cindy Nettles
Assistant Attorney General
Open Records Division

CN/cbz

Ref: ID# 538331

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Mr. Mark McGovern
Vice President, Creative Services
AMS Pictures, Inc.
16986 North Dallas Parkway
Dallas, Texas 75248
(w/o enclosures)