



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 20, 2009

Ms. Sharon Alexander
Associate General Counsel
Texas Department of Transportation
125 East 11th Street
Austin, Texas 78701-2483

OR2009-14811

Dear Ms. Alexander:

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# 358863.

The Texas Department of Transportation (the "department") received a request for the names of and the amount owed by the top ten toll violators. You claim that the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This exception encompasses information that other statutes make confidential. You raise section 552.101 in conjunction with section 228.057 of the Transportation Code, which provides in part:

(e) Electronic toll collection customer account information, including contact and payment information and trip data, is confidential and not subject to disclosure under Chapter 552, Government Code.

Transp. Code § 228.057(e). The term "customer" is not defined in the Transportation Code. We note that "customer" is generally defined as "a buyer, purchaser, consumer, or patron" or "one who regularly or repeatedly makes purchases of, or has business dealings with, a tradesman or business." Black's Law Dictionary 386 (6th ed. 1990); *see Henderson v.*

Central Power & Light Co., 977 S.W.2d 439, 447 (Tex. App.—Corpus Christi 1998, pet. denied) (quoting same definition from Black's Law Dictionary 348 (5th ed. 1979)); Webster's Third New International Dictionary 559 (2002) (defining "customer" as "one that purchases some commodity or service").

You contend that the submitted information consists of electronic toll collection customer account information. You state that the information at issue pertains to "actual customers" that have business relationships with the electronic toll collection system and have regularly or repeatedly made purchases in the electronic toll collection program through electronic toll collection lanes. Based on your representations and our review of the information at issue, we find that the submitted information falls within the scope of section 228.057(e). Thus, in accordance with the express language of the statute, we conclude that the department must withhold the submitted information under section 552.101 of the Government Code in conjunction with section 228.057(e) of the Transportation 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,



Greg Henderson
Assistant Attorney General
Open Records Division

GH/rl

Ref: ID# 358863

Enc. Submitted documents

c: Requestor
(w/o enclosures)