



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 7, 2012

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

OR2012-17876

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# 474951 (DART ORR# 9073).

Dallas Area Rapid Transit ("DART") received a request for eight categories of information related to request for proposals number P-1019730 regarding DART paratransit services.¹ Although you take no position with respect to the submitted information, you state it may implicate the proprietary interests of third parties. Accordingly, you inform us, and provide documentation showing, you notified First Transit and American Logistics Company, L.L.C. ("ALC"), of the request and of the right of each company to submit comments to this office as to why the requested information should not be released to the requestor. *See* 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). We have reviewed the submitted information.

¹In Open Records Letter Ruling No. 2012-13012 (2012), issued to DART on August 17, 2012, this office ruled on a portion of the information responsive to this request. You now submit to this office additional information that you assert is responsive to this request, but that DART failed to submit with its initial request for a ruling. Because DART did not submit this additional information to this office for review, we did not address the question of the required public disclosure of the information in Open Records Letter Ruling No. 2012-13012. *See* Gov't Code § 552.301(e)(1)(D) (governmental body requesting decision from attorney general must submit copy of specific information requested).

You inform us the submitted information was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2012-14112 (2012). In that ruling, we determined DART must withhold certain information under sections ~~552.110~~ and ~~552.136~~ of the Government Code and release the remaining information in accordance with copyright law. As we have no indication that there has been any change in the law, facts, or circumstances on which the previous ruling was based, we conclude DART must rely on Open Records Letter No. 2012-14112 as a previous determination and withhold or release the submitted information in accordance with that ruling. See Open Records Decision No. 673 at 6-7 (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.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,



Cindy Nettles
Assistant Attorney General
Open Records Division

CN/dls

Ref: ID# 474951

Enc. Submitted documents

c: Requestor
(w/o enclosures)

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