



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 17, 2013

Ms. Susana Carbajal
Assistant City Attorney
Aviation Department
Austin-Bergstrom International Airport
City of Austin
3600 Presidential Boulevard, Suite 411
Austin, Texas 78719

OR2013-10208

Dear Ms. Gonzalez:

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# 490335.

The City of Austin's Department of Aviation (the "department") received a request for "revenue by brand by month for 2012 and 2013 for the car rental concessionaires." Although you take no position with respect to the public availability of the requested information, you state the proprietary interests of certain third parties might be implicated. Accordingly, you notified Ace Rent A Car ("Ace"), Advantage Rent A Car ("Advantage"), Alamo-National Rent A Car ("Alamo"), Avis Rent A Car System, L.L.C. ("Avis"), Budget Rent A Car System, Inc. ("Budget"), Dollar Rent A Car/Clearwater Transportation, Inc. ("Dollar"), Enterprise Rent A Car ("Enterprise"), The Hertz Corp. ("Hertz"), and Thrifty Car Rental/Clearwater Transportation, Inc. ("Thrifty") of the request and of their right to submit arguments to this office explaining 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); *see also* 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.

We note an interested third party is allowed ten business days after the date of its receipt of the governmental body's notice to submit its reasons, if any, as to why information relating to that party should not be released. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, we have not received arguments from Ace, Advantage, Alamo, Avis, Budget, Dollar, Enterprise, Hertz, or Thrifty. Thus, none of these companies has demonstrated it has

a protected proprietary interest in the submitted information. *See id.* § 552.110(a)–(b); 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, the department may not withhold the submitted information on the basis of any proprietary interests these companies may have in the information. As no exceptions to disclosure have been raised, the submitted information must be released.

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,



Nneka Kanu
Assistant Attorney General
Open Records Division

NK/bhf

Ref: ID# 490335

Enc. Submitted documents

c: Requestor
(w/o enclosures)

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