



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

June 20, 2014

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

OR2014-10662

Dear Ms. Carbajal:

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# 526516.

The City of Austin, Aviation Department (the "city") received a request for car rental market share information from Austin-Bergstrom International Airport from 2012 to the date of the request. Although you take no position as to whether the submitted information is excepted under the Act, you state release of this information may implicate the proprietary interests of third parties. Accordingly, you inform us, and provide documentation showing, you notified ACE Rent A Car, Avis Rent A Car System, L.L.C. ("Avis"), Budget Rent A Car System, Inc. ("Budget"), Clearwater Transportation, Ltd. dba Dollar Car Rental, Clearwater Transportation, Ltd. dba Thrifty Car Rental, EAN Holdings, L.L.C. dba Alamo National, EAN Holdings, L.L.C. dba Enterprise Rent-A-Car, The Hertz Corporation, and Simply Wheelz, L.L.C. dba Advantage Rent A Car of the request for information and of their right to submit arguments 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) (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). We have received comments on behalf of Avis and Budget stating they do not object to the release of their information. We have reviewed the submitted information.

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 only received correspondence from Avis and Budget. Thus, the remaining third parties have not demonstrated they have a protected proprietary interest in any of 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 city may not withhold the submitted information on the basis of any proprietary interests the remaining third parties may have in the information. As you raise no exceptions against disclosure of this information, the submitted information must be released in its entirety.

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](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,



Cristian Rosas-Grillet  
Assistant Attorney General  
Open Records Division

CRG/dls

Ref: ID# 526516

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Mr. Howard Zaroff  
Vice President/General Manager  
EAN Holdings, LLC  
Enterprise Rent-A-Car  
4210 South Congress Avenue  
Austin, Texas 78745  
(w/o enclosures)

The Hertz Corporation  
Attn: Staff Vice President  
Real Estate and Concessions  
225 Brae Boulevard  
Park Ridge, New Jersey 07656  
(w/o enclosures)

René Mitchell  
Clearwater Transportation, Ltd.  
d/b/a Thrifty Car Rental  
6013 Fountainwood Drive  
San Antonio, Texas 78233  
(w/o enclosures)

Mr. Richard Radzis  
President  
Ace Rent a Car  
4529 West 96th Street  
Indianapolis, Indiana 46268  
(w/o enclosures)

Simply Wheelz LLC  
d/b/a Advantage Rent A Car  
c/o Franchise Services of North America, Inc.  
Attn: Vice President  
1052 Colony Parkway, Suite 204  
Ridgeland, Mississippi 39157  
(w/o enclosures)

Mr. Howard Zaroff  
Vice President/General Manager  
EAN Holdings, LLC  
Alamo National  
4210 South Congress Avenue  
Austin, Texas 78745  
(w/o enclosures)

Avis Rent A Car System, LLC  
c/o Ms. Bridget A. Biagas  
Director of Properties  
Avis Budget Group, Inc.  
P.O. Box 612707  
DFW Airport, Texas 75261  
(w/o enclosures)

Budget Rent A Car System, Inc.  
c/o Ms. Bridget A. Biagas  
Director of Properties  
Avis Budget Group, Inc.  
P.O. Box 612707  
DFW Airport, Texas 75261  
(w/o enclosures)

René Mitchell  
Clearwater Transportation, Ltd.  
d/b/a Dollar Car Rental  
6013 Fountainwood Drive  
San Antonio, Texas 78233  
(w/o enclosures)