



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

October 3, 2014

Ms. Elaine Nicholson  
Assistant City Attorney  
Law Department  
City of Austin  
P.O. Box 1088  
Austin, Texas 78767-8828

OR2014-17672

Dear Ms. Nicholson:

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# 538806.

The City of Austin (the "city") received a request for the car rental values by brand and month for Austin-Bergstrom International Airport during a specified period of time. Although you take no position as to whether the submitted information is excepted under the Act, you state release of the submitted information may implicate the proprietary interests of ACE Rent A Car; Advantage Opco, L.L.C.; Alamo National; Avis Rent A Car System, L.L.C.; Budget Rent A Car System, Inc.; Dollar Car Rental; Enterprise Rent-A-Car; The Hertz Corporation; and Thrifty Car Rental. Accordingly, you state, and provide documentation showing, you notified these third parties of the request for information and of their right to submit arguments to this office as to why the submitted information should not be released. *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 reviewed the submitted information.

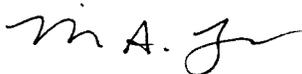
An interested third party is allowed ten business days after the date of its receipt of the governmental body's notice under section 552.305(d) to submit its reasons, if any, as to why information relating to that party should be withheld from public disclosure. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, we have not received comments from any interested third parties explaining why the submitted information should not be released. Therefore, we have no basis to conclude any of the third parties has a protected proprietary

interest in the submitted information. *See id.* § 552.110; 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 interest the third parties 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](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,



Nicholas A. Ybarra  
Assistant Attorney General  
Open Records Division

NAY/bhf

Ref: ID# 538806

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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

Mr. Joe Olivera  
VP of Airport Relations and Properties  
Advantage Opco  
Tower 101, Suite 1600  
101 NE Third Avenue  
Fort Lauderdale, Florida 33301  
(w/o enclosures)

Mr. Robert Bouta  
Senior Vice President  
Avis Rent A Car System  
6 Sylvan Way  
Parsippany, New Jersey 07054  
(w/o enclosures)

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

Mr. Rene Mitchell  
Clearwater Transportation  
6013 Fountainwood Drive  
San Antonio, Texas 78233  
(w/o enclosures)

Mr. Richard Radzis  
President  
ACE Rent A Car  
4529 West 96<sup>th</sup> Street  
Indianapolis, Indiana 46268  
(w/o enclosures)