



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 28, 2014

Mr. Robert Schell
Assistant Director General Counsel
North Texas Tollway Authority
P.O. Box 260729
Plano, Texas 75026

OR2014-19371

Dear Mr. Schell:

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# 541845 (ORR# 2014-01553).

The North Texas Tollway Authority (the "authority") received a request for the name and address of the owner of a specified license plate or assigned TollTag number. The authority states it does not have some of the requested information.¹ The authority claims the responsive information is excepted from disclosure under section 552.101 of the Government Code. We have considered the claimed exception and reviewed the submitted information.

Initially, we note the submitted document includes information that is not responsive to the request for information because it does not consist of the requested name or address of the owner at issue. This ruling does not address the public availability of any information that is not responsive to the request, and the authority is not required to release this information in response to this request.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. Section 552.101 encompasses information other statutes make confidential. The authority is governed by the Texas Regional Tollway Authority Act, chapter 366 of the

¹The Act does not require a governmental body to disclose information that did not exist when the request for information was received.

Transportation Code. Section 366.179 of the Transportation Code provides in relevant part the following:

(a) For purposes of this section, a transponder is a device placed on or within an automobile that is capable of transmitting or receiving information used to assess or collect tolls. A transponder is insufficiently funded if there is no money in the account for which the transponder was issued.

...

(d) Transponder customer account information, including contact and payment information and trip data, is confidential and not subject to disclosure under [the Act].

Transp. Code § 366.179(a), (d). You informs us that, in connection with the operation of its toll projects, the authority issues transponders or "TollTags" to authority customers wishing to establish an account with the authority. You state the responsive information consists of TollTag customer account information that is compiled by the authority. Based on these representations, we agree the authority must withhold the submitted responsive information under section 552.101 of the Government Code in conjunction with section 366.179(d) 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.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,


James L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/cz

Ref: ID# 541845

Enc. Submitted documents

c: Requestor
(w/o enclosures)