



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

September 15, 2015

Ms. Claire Swann  
Assistant Director General Counsel  
North Texas Tollway Authority  
P.O. Box 260729  
Plano, Texas 75026

OR2015-19151

Dear Ms. Swann:

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# 579498 (File No. 2015-01079).

The North Texas Tollway Authority (the "authority") received a request for information pertaining to a specified accident. You indicate the authority does not have some of the requested information.<sup>1</sup> You state you have released some information. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the claimed exception and reviewed the submitted information.

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

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<sup>1</sup>The Act does not require a governmental body to release information that did not exist when a request for information was received or to prepare new information in response to a request. *See Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266, 267-68 (Tex. Civ. App.—San Antonio 1978, writ dismissed); Open Records Decision Nos. 605 at 2 (1992), 452 at 3 (1986), 362 at 2 (1983).

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

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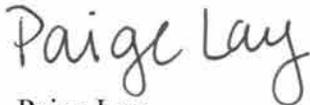
(d) Transponder account information, including contact and payment information and trip data, is confidential and not subject to disclosure under [the Act].

Act of May 30, 2015, 84th Leg., R.S., ch. 1129 § 2, 2015 Tex. Sess. Law Serv. 3809, 3810 (Vernon) (to be codified as an amendment to § 366.179(a),(d)). You inform 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 information at issue consists of TollTag customer account information that is compiled by the authority. Based on these representations, we agree the authority must withhold the submitted 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](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,



Paige Lay  
Assistant Attorney General  
Open Records Division

PL/bhf

Ref: ID# 579498

Enc. Submitted documents

c: Requestor  
(w/o enclosures)