



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 1, 2015

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

OR2015-06171

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# 559025 (NTTA# 2015-00007).

The North Texas Tollway Authority (the "authority") received a request for specified types of reports for a specified tolled facility for a specified period of time.¹ You state you have released some information. You claim the submitted information is excepted from disclosure under section 552.111 of the Government Code. We have considered the exception you claim and reviewed the submitted representative sample of information.² We have also received and considered comments from the requestor. *See* Gov't Code § 552.304 (permitting interested third party to submit to attorney general reasons why requested information should or should not be released).

¹We note the authority sought and received clarification of the information requested. *See* Gov't Code § 552.222 (providing if request for information is unclear, governmental body may ask requestor to clarify request); *see also* *City of Dallas v. Abbott*, 304 S.W.3d 380, 387 (Tex. 2010) (holding that when a governmental entity, acting in good faith, requests clarification or narrowing of an unclear or over-broad request for public information, the ten-day period to request an attorney general ruling is measured from the date the request is clarified or narrowed).

²We assume the representative sample of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

Initially, you inform us the requested information was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2015-00142 (2015). In Open Records Letter No. 2015-00142, we concluded the authority (1) may withhold certain information under section 552.111 of the Government Code; (2) may withhold a draft memorandum in its entirety under section 552.111 of the Government Code to the extent the draft memorandum will be released to the public in its final form; (3) may withhold the information we marked under section 552.111 of the Government Code within the draft memorandum to the extent the draft memorandum will not be released in final form; and (4) must release the remaining information. You inform us the law, facts, and circumstances on which the prior ruling was based have not changed. Accordingly, the authority may continue to rely on Open Records Letter No. 2015-00142 as a previous determination and withhold or release the identical information in accordance with that ruling.³ *See* Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes information is or is not excepted from disclosure).

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,



Paige Thompson
Assistant Attorney General
Open Records Division

PT/dls

³As our ruling is dispositive, we need not address your remaining argument against disclosure of this information.

Ref: ID# 559025

Enc. Submitted documents

c: Requestor
(w/o enclosures)