



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

May 10, 2016

Ms. Halfreda Anderson-Nelson
Senior Assistant General Counsel
Dallas Area Rapid Transit
P.O. Box 660163
Dallas, Texas 75266-0163

OR2016-04423A

Dear Ms. Anderson-Nelson:

Our office issued Open Records Letter No. 2016-04423 (2016) on February 24, 2016. Since that date, we have received new information that affects the facts on which this ruling was based. Consequently, this decision serves as the corrected ruling and is a substitute for the decision issued on February 24, 2016. *See generally* Gov't Code § 552.011 (providing that Office of Attorney General may issue decision to maintain uniformity in application, operation, and interpretation of Public Information Act (the "Act")). This ruling was assigned ID# 614570 (DART ORR W000376-120115).

Dallas Area Rapid Transit ("DART") received a request for information pertaining to a specified contract. You state you have released some information to the requestor. Although DART takes 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 ALC; First Transit, Inc.; MV Transportation, Inc.; and Veolia Transdev North America. Accordingly, DART states, and provides documentation showing, it notified the 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 id.* § 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.

You inform us the submitted information was the subject of previous requests for information, as a result of which this office issued Open Records Letter Nos. 2012-17876 (2012), 2012-14112 (2012), 2012-13012 (2012), 2012-08490 (2012), and 2012-07738 (2012). In those rulings, we determined that DART must withhold the information we have marked under sections 552.110 and 552.136 of the Government Code and release the remaining information in accordance with copyright law. As we have no indication that there has been any change in the law, facts, or circumstances on which the previous rulings were based, we conclude DART must rely on Open Records Letter Nos. 2012-17876, 2012-14112, 2012-13012, 2012-08490, and 2012-07738 as previous determinations and withhold or release the submitted information in accordance with those rulings. *See* Open Records Decision No. 673 at 6-7 (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 that information is or is not excepted from disclosure).

We note the remaining information contains information subject to section 552.130 of the Government Code, which provides information relating to a motor vehicle operator's or driver's license, motor vehicle title or registration, or personal identification document issued by an agency of this state or another state or country is excepted from public release.¹ Gov't Code § 552.130(a). Upon review, we find DART must withhold the motor vehicle record information we have indicated under section 552.130 of the Government Code.

In summary, DART must rely on Open Records Letter Nos. 2012-17876, 2012-14112, 2012-13012, 2012-08490, and 2012-07738 as previous determinations and withhold or release the submitted information in accordance with those rulings. In releasing information, DART must withhold the motor vehicle record information we have indicated under section 552.130 of the Government 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

¹The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body. Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,

A handwritten signature in black ink, appearing to read 'Cristian Rosas-Grillet', with a long horizontal flourish extending to the right.

Cristian Rosas-Grillet
Assistant Attorney General
Open Records Division

CRG/bw

Ref: ID# 614570

Enc. Submitted documents

c: Requestor
(w/o enclosures)

4 Third Parties
(w/o enclosures)