KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 7, 2019

Ms. Jacqueline E. Hojem
Public Information Coordinator
Metropolitan Transit Authority of Harris County
P.O. Box 61429
Houston, Texas 77208-1429

OR2019-06329

Dear Ms. Hojem:

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# 753571 (TPIA MTA No. 2019-0149).

The Metropolitan Transit Authority of Harris County (the "authority") received a request for a specified name and telephone number. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially, we note the requestor only seeks a specified name and telephone number. Accordingly, the remaining submitted information is not responsive to the instant request. The authority need not release non-responsive information in response to this request, and this ruling will not address that 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 protected by other statutes, such as section 451.061 of the Transportation Code. We understand the authority is a rapid transit authority governed by chapter 451 of the Transportation Code. *See* Transp. Code ch. 451;

see also id. § 451.001(2) (defining "authority" for purposes of chapter 451 of the Transportation Code). Section 451.061 provides, in relevant part:

> (f) Personal identifying information collected by an authority is confidential and not subject to disclosure under [the Act], including a person's:
>
> (1) name, address, e-mail address, and phone number;
>
> (2) account number, password, payment transaction activity, toll or charge record, or credit, debit, or other payment card number; and
>
> (3) other personal financial information.

Id. § 451.061(f). You assert the submitted information contains personal identifying information made confidential by subsection 451.061(f). We note subsection 451.061(f) is contained in section 451.061, which is titled "Fares and Other Charges." Additionally, subsections (a) through (e) of section 451.061 discuss an authority's responsibilities in imposing fares and other charges and the state's power to regulate taxes imposed by an authority or other compensation authorized by this section. *See id.* § 451.061(a)-(e). Accordingly, we conclude subsection 451.061(f) is only applicable to personal identifying information collected by the authority for purposes relating to the collection of fares and other charges. *Cf. Paxton v. Tex. Dep't of State Health Servs.*, 500 S.W.3d 702, 706 (Tex. App.—Austin 2016, no pet.) (holding although isolated reading of section 531.1021(g) of Government Code suggests it applies to any Office of Inspector General ("OIG") investigation, confidentiality of OIG investigations provided by section 531.1021(g) must be read in context of OIG's enabling provisions and thus, extended only to OIG investigations concerning fraud, waste, and abuse in the provision and delivery of health and human services in the state). Upon review, we find the authority did not collect the personal identifying information at issue for purposes relating to the collection of fares and other charges. Consequently, the personal identifying information at issue is not confidential under subsection 451.061(f) of the Transportation Code, and the authority may not withhold it under section 552.101 of the Government Code on that basis. As no other exceptions to disclosure are raised, the authority must release the information at issue.

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,

Lecelle Clarke
Attorney
Open Records Division

LC/eb

Ref: ID# 753571

Enc. Submitted documents

c: Requestor
(w/o enclosures)