



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

May 6, 2022

Mr. Gil R. Garcia
Senior Assistant General Counsel
Dallas Area Rapid Transit
P.O. Box 660163
Dallas, Texas 75266-0163

OR2022-12989

Dear Mr. Garcia:

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# 946415 (ORR# W006231-022222).

Dallas Area Rapid Transit ("DART") received a request for the pricing schedules submitted in response to a specified solicitation. Although DART takes no position as to whether the submitted information is excepted under the Act, DART states release of the submitted information may implicate the proprietary interests of CTJ Maintenance Inc.; L&J Staffing Solutions; and Hallcon Corporation ("Hallcon"). Accordingly, DART states, and provides documentation showing, it notified these third parties of the request for information and of the right to submit arguments to this office as to why the submitted information should not be released. *See* Gov't Code § 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 received comments from Hallcon. We have considered the submitted arguments and reviewed the submitted information.

We note the submitted information was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2022-05888 (2022). In that ruling, we determined DART (1) must continue to rely on Open Records Letter No. 2022-02003 (2022) as a previous determination and withhold or release the identical information in accordance with that ruling; (2) must withhold the information we marked under section 552.110 of the Government Code; however, to the extent the marked customer information is made available to the public by Hallcon, including but not limited

to on its website or social media accounts, it may not be withheld under section 552.110; and (3) must release the remaining information. We have no indication there has been any change in the law, facts, or circumstances on which the previous ruling was based. Accordingly, DART must rely on Open Records Letter No. 2022-05888 as a previous determination and withhold or release the submitted information in accordance with that ruling.¹ 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 that 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 <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,

Michelle Garza
Assistant Attorney General
Open Records Division

MRG/jm

Ref: ID# 946415

Enc. Submitted documents

c: Requestor
(w/o enclosures)

3 Third Parties
(w/o enclosures)

¹ As we are able to make this determination, we need not address the submitted arguments against disclosure.