



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 15, 1997

Mr. William S. Nail
General Counsel
Employees Retirement System of Texas
P.O. Box 13207
Austin, Texas 78711-3207

OR97-1601

Dear Mr. Nail:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 107630.

The Employees Retirement System of Texas (the "system") received a request for "a copy of the successful bidder" with regard to the audit of health maintenance organizations participating in the Texas Employees Uniform Group Insurance Program.¹ You advise this office that the successful bidder, Wolcott & Associates, Inc. ("Wolcott"), contends that the information contained in the proposal is proprietary. You now ask whether the submitted information from Wolcott's proposal is excepted from disclosure pursuant to Wolcott's communication with you and pursuant to Open Records Decision No. 542 (1990). We have considered your letter and reviewed the submitted information.

Pursuant to section 552.305, we notified Wolcott of the request for information and of its opportunity to claim that the information at issue is excepted from disclosure. Wolcott did not respond. Therefore, we conclude that the information may not be withheld pursuant to section 552.110 and should be released.²

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue

¹We recently considered a request for similar information under Open Records Letter No. 97-0267 (1997).

²This office cannot conclude that information is a trade secret unless the governmental body or company has provided evidence of the factors necessary to establish a trade secret claim. Open Records Decision No. 402 (1983). The governmental body or third party must establish a prima facie case for the trade secret exception. Open Records Decision No. 552. (1990).

under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Janet I. Monteros
Assistant Attorney General
Open Records Division

JIM/glg

Ref: ID# 107630

Enclosures: Submitted documents

cc: Ms. Dora Ann Verde
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(w/o enclosures)

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(w/o enclosures)