



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

April 28, 1998

Ms. Joan Carol Bates
Office of General Counsel
Texas Department of Health
1100 West 49th Street
Austin, Texas 78756-3199

OR98-1063

Dear Ms. Bates:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 114540.

The Texas Department of Health (the "department") received a request for the cultural competency plans for those HMOs that were awarded contracts for Medicaid Managed Care in the Harris County Service Area. You state that the requested information may be proprietary in nature and protected from disclosure by the Government Code. Gov't Code § 552.007; Gov't Code § 552.305. You raise no exception to disclosure on behalf of the department, and make no arguments regarding the proprietary nature of the requested information. You have submitted a representative sample of the requested information for our review.

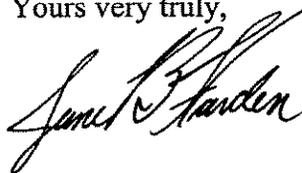
Since the property and privacy rights of third parties may be implicated by the release of the requested information, this office notified the six companies whose information was requested. *See* Gov't Code § 552.305 (permitting interested third party to submit to attorney general reasons why requested information should not be released); Open Records Decision No. 542 (1990) (determining that statutory predecessor to section 552.305 of Government Code permits governmental body to rely on interested third party to raise and explain applicability of exception in Open Records Act in certain circumstances).

This office has not received any responses to our notification. Therefore, we have no basis to conclude that the requested information is excepted from disclosure. *See* Open Records Decision Nos. 639 (1996) at 4 (to prevent disclosure of commercial or financial information, party must show by specific factual or evidentiary material, not conclusory or generalized allegations, that it actually faces competition and that substantial competitive injury would likely result from disclosure), 552 (1990) at 5 (party must establish *prima facie*

case that information is trade secret), 542 (1990) at 3. Thus, the department must release the cultural competency plans to the requestor.

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

Yours very truly,



June B. Harden
Assistant Attorney General
Open Records Division

JBH/alg

Ref.: ID# 114540

Enclosures: Submitted documents

cc: Ms. Moira Delgado
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