ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

December 1, 2003

Mr. A. Craig Carter
Davis & Davis
P.O. Box 1588
Austin, Texas 78767

OR2003-8562

Dear Mr. Carter:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 194492.

The Campbell Health System (the "system"), a part of the Parker County Hospital District, received a request for information relating to Inteck Inc., including the audit or study performed by Inteck. The system claims the requested Inteck report is excepted from public disclosure under section 552.103 of the Government Code. To the extent it exists, we assume the system has released the rest of the requested information. Gov't Code §§ 552.301, .302. We have considered the exception you claim and reviewed the submitted information.

Section 552.022(a) of the Government Code makes certain categories of information public and not excepted from required disclosure under chapter 552 of the Public Information Act unless that information is expressly confidential under other law. Gov't Code § 552.022(a). Section 552.022(a)(1) makes a completed report public. Gov't Code § 552.022(a)(1). The submitted report falls within the purview of sections 552.022(a)(1). Section 552.103 is an exception under the Public Information Act and is not other law that makes the requested information confidential. Open Records Decision No. 473 (1987). Accordingly, the submitted report may not be withheld from disclosure pursuant to section 552.103 of the Government Code. You must release the report to the requestor.

This letter ruling is limited to the particular records 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 records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at (877) 673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

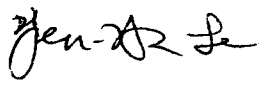
If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Dep't of Pub. Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.—Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the Texas Building and Procurement Commission at (512) 475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. We note that a third party may challenge this ruling by filing suit seeking to withhold information from a requestor. Gov't Code

§ 552.325. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,



Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/sdk

Ref: ID# 194492

Enc. Submitted documents

c: Mr. David L. Benham
President
Maverick Computer Services
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(w/o enclosures)