



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

February 25, 2009

Ms. Laura Garza Jimenez  
Nueces County Attorney  
Nueces County Hospital District  
901 Leopard, Room 207  
Corpus Christi, Texas 78401-3680

OR2009-02443

Dear Ms. Garza Jimenez:

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# 335590.

The Nueces County Hospital District (the "district") received a request for the description of specified programs funded by ongoing grants and information regarding the occurrence, attendance, and staff pertaining to the same. Although the district takes no position on whether the submitted information is excepted from disclosure, you state the release of this information may implicate the proprietary rights of certain third parties. Accordingly, you inform us, and provide documentation showing, you notified Planned Parenthood of South Texas ("Planned Parenthood"), Communities in Schools ("CIS"), and LULAC of the request and of their rights to submit arguments to this office as to why the information should not be released. *See* Gov't Code § 552.301(d) (permitting interested third party to submit to attorney general reasons why requested information should not be released); *see also* Open Records Decision No. 542 (1990) (determining that statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception to disclosure in certain circumstances). We have received comments from Planned Parenthood. We have considered the submitted arguments and reviewed the submitted information.

We note, and you acknowledge, a portion of the requested information was the subject of a previous request for information, in response to which this office issued Open Records Letter

No. 2009-01959 (2009). In that ruling, we determined the district must withhold the specific portions of Planned Parenthood's information we marked under section 552.101 of the Government Code in conjunction with common-law privacy, and release the remaining information at issue. We presume the facts and circumstances have not changed since the issuance of this prior ruling. Thus, we determine the district must continue to rely on our ruling in Open Records Letter No. 2009-01959 as a previous determination and withhold or release the information at issue in accordance with that decision.<sup>1</sup> 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 a prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure).

We also note an interested third party is allowed ten business days after the date of its receipt of the governmental body's notice under section 552.305(d) to submit its reasons, if any, as to why requested information relating to it should be withheld from disclosure. See Gov't Code § 552.305(d)(2)(B). As of the date of this letter, we have not received any arguments from CIS or LULAC. We thus have no basis for concluding that any portion of the information submitted to the district by CIS or LULAC constitutes proprietary information, and the district may not withhold any portion of this information on that basis. See Open Records Decision Nos. 661 at 5-6 (1999) (to prevent disclosure of commercial or financial information, party must show by specific factual evidence, not conclusory or generalized allegations, that release of requested information would cause that party substantial competitive harm), 552 at 5 (1990) (party must establish prima facie case that information is trade secret), 542 at 3 (1990).

In summary, with regard to the requested information that is identical to the information previously requested and ruled upon by this office in a prior ruling, we conclude the district must continue to rely on Open Records Letter No. 2009-01959 as a previous determination. As no exceptions to disclosure were raised for the remaining information, it must be released.

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.oag.state.tx.us/open/index\\_orl.php](http://www.oag.state.tx.us/open/index_orl.php), 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

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<sup>1</sup>As our ruling is dispositive for this information, we need not address Planned Parenthood's arguments against disclosure.

information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,



Olivia A. Maceo  
Assistant Attorney General  
Open Records Division

OM/eeg

Ref: ID# 335590

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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