



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

February 10, 2011

Ms. Connie Crawford
Assistant County Attorney
El Paso County Attorney's Office
4815 Alameda 8th Floor Suite B
El Paso, Texas 79905

OR2011-02104

Dear Ms. Crawford:

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# 412739 (File No. HO-11-003).

The El Paso County Hospital District (the "district") received a request for a contract for a picture archiving and communications system and proposals from all bidders associated with the purchase. You state the requested information was the subject of a previous open records letter ruling. Although you take no other position on the public availability of the requested information, you believe the information may implicate the interests of third parties. You inform us the interested parties were notified of this request for information and of their right to submit arguments to this office as to why the requested information should not be released.¹ We received correspondence from Cerner Corporation ("Cerner") and INFINITT North America ("INFINITT"). We have considered Cerner's and INFINITT's arguments and reviewed the information you submitted.

You also inform us the requested information was the subject of a previous request, as a result of which this office issued Open Records Letter No. 2010-15615 (2010). In that ruling, we concluded the district must withhold some of the information under section 552.110(b) of the Government Code and release the remaining information in accordance with copyright law. You do not indicate there has been any change in the law,

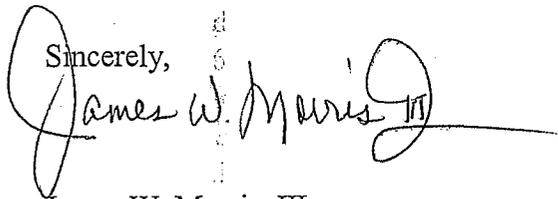
¹See Gov't Code § 552.305(d); Open Records Decision No. 542 (1990) (statutory predecessor to Gov't Code § 552.305 permitted governmental body to rely on interested third party to raise and explain applicability of exception to disclosure under certain circumstances).

facts, and circumstances on which the previous ruling is based. We therefore conclude the district must dispose of the requested information in accordance with Open Records Letter No. 2010-15615.² See Open Records Decision No. 673 at 6-7 (2001) (listing elements of first type of previous determination under Gov't Code § 552.301(a)).

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, 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 information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



James W. Morris, III
Assistant Attorney General
Open Records Division

JWM/em

Ref: ID# 412739

Enc: Submitted documents

c: Requestor
(w/o enclosures)

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Mr. Changyeon Kim
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²As we are able to make this determination, we need not address the arguments we received from Cerner and INFINITT.

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