



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 22, 2014

Ms. Connie Crawford
Assistant County Attorney
El Paso County
4815 Alameda Avenue, 8TH Floor, Suite B
El Paso, Texas 79905

OR2014-06538

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# 520184 (El Paso County File No. HO-14-023).

The El Paso County Hospital District d/b/a University Medical Center of El Paso (the "district") received a request for the following: 1) the number of requests for body cavity searches made by law enforcement agencies in the past five years; 2) the annual total of bills charged to persons who received body cavity searches over the past five years; and 3) the annual total amounts paid by law enforcement agencies for body cavity searches over the past five years. You claim the submitted information is excepted from disclosure under section 552.103 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

We note the submitted information consists of a report detailing payments made, as well as outstanding balances owed, to the district for body cavity searches. This information is subject to section 552.022(a)(3) of the Government Code, which provides that "information in an account, voucher, or contract relating to the receipt or expenditure of public or other funds by a governmental body" is subject to required public disclosure unless it is made confidential under the Act or other law. *See* Gov't Code § 552.022(a)(3). Although you raise section 552.103 of the Government Code for this information, section 552.103 is a discretionary exception to disclosure and does not make information confidential under the Act. *See id.* § 552.007; *Dallas Area Rapid Transit v. Dallas Morning News*, 4 S.W.3d 469,

475-76 (Tex. App.—Dallas 1999, no pet.) (governmental body may waive section 552.103); Open Records Decision Nos. 665 at 2 n.5 (discretionary exceptions generally), 663 (1999) (governmental body may waive section 552.103). Therefore, The district may not withhold the submitted information under section 552.103 of the Government Code. As you raise no other exceptions to disclosure of this information, the district must release the submitted information pursuant to section 552.022(a)(3) of the Government Code.

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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Kristi L. Wilkins
Assistant Attorney General
Open Records Division

KLW/tch

Ref: ID# 520184

Enc. Submitted documents

c: Requestor
(w/o enclosures)