



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 4, 2014

Ms. Cynthia Tynan
Attorney and Public Information Coordinator
Office of General Counsel
The University of Texas System
201 West Seventh Street
Austin, Texas 78701-2902

OR2014-13478

Dear Ms. Tynan:

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# 531503 (UT OGC# 156139).

The University of Texas Medical Branch at Galveston (the "university") received a request for the current contract the university has with several Texas counties to provide medical examiner services; the name, job title, and salary for all full time and part time employees of the Galveston County Medical Examiner's office; a copy of all current physician employment contracts of physicians employed by, or rendering professional services for, the university; and a copy of the university's employee benefits. You state you have released some responsive information to the requestor. Although you take no position regarding release of the submitted information, you state release of this information may implicate the interests of certain third parties. Accordingly, you state you notified Matagorda County, Galveston County, Brazoria County, and Fort Bend County of the request and of their right to submit comments to this office stating why the submitted information should not be released. *See* Gov't Code § 552.305 (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 statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in certain circumstances). We have reviewed the submitted information.

An interested third party is allowed ten business days after the date of its receipt of the governmental body's notice to submit its reasons, if any, as to why information relating to that party should not be released. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, we have not received arguments from any third party. Thus, no third party has demonstrated that it has a protected proprietary interest in any of the submitted information.

See id. § 552.110(a)–(b); 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. Accordingly, the university may not withhold the submitted information on the basis of any interests a third party may have in the information. As no exceptions to disclosure have been raised, the information at issue must be released in its entirety.

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,



Joseph Behnke
Assistant Attorney General
Open Records Division

JB/som

Ref: ID# 531503

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Judge Nate McDonald
County of Matagorda
1700 7th Street, Room 301
Bay City, Texas 77414-5094
(w/o enclosures)

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Galveston, Texas 77550
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