



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

June 12, 2015

Mr. Timothy E. Bray
Deputy General Counsel
Government Law Unit
Texas Department of State Health Services
P.O. Box 149347
Austin, Texas 78714-9347

OR2015-11619

Dear Mr. Bray:

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# 567546 (ORR# 24232/2015).

The Texas Department of State Health Services (the "department") received a request for information pertaining to the department's contract with CSI Leasing, Inc. ("CSI"). You state the department will release some of the requested information. Although you take no position as to whether the submitted information is excepted under the Act, you state release of the submitted information may implicate the proprietary interests of CSI and of the Texas Department of Information Resources ("DIR"). Accordingly, you state, and provide documentation showing, you notified CSI and DIR of the request for information and of the right of each to submit arguments to this office as to why the submitted information should not be released. *See* Gov't Code §§ 552.304, .305(d); *see also* Open Records Decision No. 542 (1990) (statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in the Act 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 under section 552.305(d) to submit its reasons, if any, as to why information relating to that party should be withheld from public disclosure. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, we have not received comments from CSI or DIR explaining why the submitted information should not be released. Therefore, we have no basis to conclude CSI or DIR has a protected proprietary interest in the submitted

information. *See id.* § 552.110; 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 department may not withhold the submitted information on the basis of any proprietary interest CSI or DIR may have in the information. As no exceptions to disclosure have been raised, the department must release the submitted information.

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,



Claire V. Morris Sloan
Assistant Attorney General
Open Records Division

CVMS/som

Ref: ID# 567546

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Mr. Steve Andrews
General Counsel and Secretary
Insight Public Sector
6820 South Harl Avenue
Tempe, Arizona 85283
(w/o enclosures)

Mr. Chad Lersch
Public Information Officer
Texas Department of Information Resources
300 West 15th Street, Suite 1300
Austin, Texas 78701
(w/o enclosures)