



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 30, 2015

Ms. Katie West
Operations Counsel
Corizon Health, Inc.
103 Powell Court
Brentwood, Tennessee 37027

OR2015-20509

Dear Ms. West:

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# 581440.

Corizon Health, Inc. ("Corizon Health"), which you represent, received a request for all contracts, policies, and procedures related to Corizon Health's operation of jails or prisons in the State of Texas. You contend Corizon Health is not a governmental body. In the alternative, you claim the submitted information is excepted from disclosure under section 552.110 of the Government Code. We have considered your arguments and reviewed the submitted information.

You assert Corizon Health is not a governmental body and, therefore, the submitted information is not subject to the Act. The Act defines "governmental body" in pertinent part as

the part, section, or portion of an organization, corporation, commission, committee, institution, or agency that spends or that is supported in whole or in part by public funds[.]

Gov't Code § 552.003(1)(A)(xii). "Public funds" means "funds of the state or of a governmental subdivision of the state." *Id.* § 552.003(5). The Texas Supreme Court has defined "'supported in whole or part by public funds' to include only those private entities

or their sub-parts sustained, at least in part, by public funds, meaning they could not perform the same or similar services without the public funds.” *Greater Houston P’ship v. Paxton*, No. 13-0745, 2015 WL 3978138, at *9 (Tex. June 26, 2015). Thus, section 552.003(1)(A)(xii) encompasses only those private entities that are dependent on public funds to operate as a going concern, *see id.* at *7, and only those entities acting as the functional equivalent of the government, *see id.* at *8.

Corizon Health informs us that it contracts with state and local governments for the provision of correctional healthcare services. Additionally, Corizon Health states it holds a contract with a subdivision of the State of Texas and receives payments pursuant to said contract. Corizon Health explains the payments received under the contract represents less than one percent of its total revenue. Thus, we understand Corizon Health to represent it is not dependent on public funds to operate as a going concern. *Id.* at *7.

Upon review of your representations, we find Corizon Health is not sustained by public funds. *See id.* Therefore, we conclude Corizon Health is not supported in whole or part by public funds. Consequently, Corizon Health does not fall within the definition of a “governmental body” under section 552.003(1)(A)(xii) of the Government Code and is not subject to the Act. Accordingly, Corizon Health need not respond to the request for 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,



Cole Hutchison
Assistant Attorney General
Open Records Division

CH/som

Ref: ID# 581440

Enc. Submitted documents

c: Requestor
(w/o enclosures)