



THE ATTORNEY GENERAL  
OF TEXAS

JIM NATTOK  
ATTORNEY GENERAL

June 25, 1990

Mr. B. Jeffrey Doran  
McDonald, Calhoun, Freeman & Doran  
606 E. Crawford  
P.O. Box 2048  
Palestine, Texas 75802-2048

OR90-269

Dear Mr. Doran:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 8930.

The Memorial Hospital Foundation - Palestine, Inc. received a request for a copy of an audit report about the hospital. You contend that the hospital is a private, non-profit corporation that is not supported in any degree by public funds and that it is therefore not subject to the Open Records Act. Alternatively, you claim that section 3(a)(4) protects the audit report from required public disclosure, if the hospital is held to be subject to the act.

A previous determination of this office, Open Records Decision No. 343 (1982), a copy of which is enclosed, resolves your request. That decision held that a private, non-profit corporation under contract with a hospital district to provide emergency medical service was not a governmental body for purposes of the Open Records Act. Assuming that the hospital is not supported by public funds, we conclude that it is not a governmental body subject to the act. Since the hospital is not a governmental body, it need not release the audit reports pursuant to the Open Records Act. As we conclude the hospital is not a governmental body subject to the Open Records Act, we do not address your section 3(a)(4) claim. Information provided by the hospital to a governmental body may, however, be subject to the act.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a

published open records decision. If you have questions about this ruling, please refer to OR90-269.

Yours very truly,



David A. Newton  
Assistant Attorney General  
Opinion Committee

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Ref.: ID# 8930

Enclosure: Open Records Decision No. 343

cc: Glenn Evans  
Palestine Herald Press  
519 Elm  
P.O. 379  
Palestine, Texas 75801