



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

January 9, 1997

Mr. William S. Nail
General Counsel
Employees Retirement System of Texas
P.O. Box 13207
Austin, Texas 78711-3207

OR97-0037

Dear Mr. Nail:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 102879.

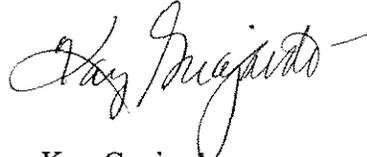
The Employees Retirement System of Texas ("ERS") received a request for certain information concerning PCA Health Plan of Texas, Inc. ("PCA") You raise no exception to the required public disclosure of the requested information. However, you say that PCA indicated to ERS that its Response for Application and Provider Compliance Contract are proprietary.

On October 17, 1996, this office notified PCA of this request so that PCA would have an opportunity to assert any privacy or property interests in the requested documents. *See* Gov't Code § 552.305. In that notification, we informed PCA that it must respond to our notification within 14 days of receipt of the notification, or we will assume that PCA has no privacy or property interest in the requested documents. PCA has failed to respond to our notification. Accordingly, we cannot conclude that PCA has any privacy or property interest in the requested documents. Therefore, ERS may not withhold the requested information from required public disclosure.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue

under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Kay Guajardo". The signature is written in a cursive style with a horizontal line extending from the end.

Kay Guajardo
Assistant Attorney General
Open Records Division

KHG/rho

Ref.: ID# 102879

Enclosures: Submitted documents

cc: Ms. Melanie Ross
1309 Carol Ann Drive
Kerrville, Texas 78028
(w/o enclosures)