



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 3, 2009

Ms. Neera Chatterjee
Public Information Coordinator
University of Texas System
201 West Seventh Street
Austin, Texas 78701-2902

OR2009-02741

Dear Ms. Chatterjee:

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# 336300.

The University of Texas Medical Branch at Galveston (the "university") received a request for the requestor's employment contract, as well as a specified anesthesiology services contract between the university and St. Joseph Medical Center ("St. Joseph"). You state the university will release the requestor's employment contract to the requestor. Although the university takes no position on whether the submitted anesthesiology services contract is excepted from disclosure, you state that release of this information may implicate the proprietary interests of St. Joseph. Thus, you notified St. Joseph of this request and of its right to submit arguments to this office as to why its contract should not be released. *See* Gov't Code § 552.305(d) (permitting interested third party to submit to attorney general reasons why requested information should not be released); Open Records Decision No. 542 (1990) (statutory predecessor to section 552.305 permitted governmental body to rely on interested third party to raise and explain applicability of exception to disclosure under certain circumstances). We have reviewed the submitted information.

We note that 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) of the Government Code to submit its reasons, if any, as to why requested information relating to it should be withheld from disclosure. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, we have not received any arguments from St. Joseph. We thus have no basis for concluding that any portion of the submitted contract constitutes St. Joseph's proprietary 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 submitted contract must be released to the requestor.

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.oag.state.tx.us/open/index_orl.php, 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 must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,



Reg Hargrove
Assistant Attorney General
Open Records Division

RJH/eeg

Ref: ID# 336300

Enc. Submitted documents

c: Requestor
(w/o enclosures)

St. Joseph Medical Center
Chief Executive Officer
1401 St. Joseph Parkway
Houston, Texas 77002
(w/o enclosures)

SJ Medical Center Management
President
2815 Coliseum Centre Drive, Suite 150
Charlotte, North Carolina 28217
(w/o enclosures)