



ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

May 12, 2010

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

OR2010-06815

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#379160 (OGC#129087).

The University of Texas Health Science Center at Tyler ("UTHSCT") received a request for the information technology agreement, licensing agreement, or any other agreement with all attachments between UTHSCT and its electronic health records or electronic medical record provider. Although you take no position on whether the software agreement and its attachments are excepted from disclosure, you state release of this information may implicate the proprietary interests of Meditech. Accordingly, you have notified Meditech of the request and of its right to submit arguments to this office as to why its information 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 to submit its reasons, if any, as to why information relating to that party should not be released. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this decision, we have not received correspondence from Meditech. Thus, Meditech has not demonstrated that it has a protected proprietary interest in any of the submitted information. *See id.* § 552.110(a)-(b); 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 (1990); *see also* Gov't Code § 552.022(a)(3) (contract involving receipt or expenditure of public funds expressly made public). Accordingly, UTHSCT may not withhold the submitted information

on the basis of any proprietary interests Meditech may have in the information. As no other exceptions to disclosure have been raised, the requested information must be released.

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](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, toll free at (888) 672-6787.

Sincerely,



Vanessa Burgess  
Assistant Attorney General  
Open Records Division

VB/jb

Ref: ID#379160

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Mr. Lawrence A. Polimeno  
Meditech  
1 Medi Tech Circle  
Westwoon, Montana 02090-1545  
(w/o enclosures)