



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 19, 2010

Mr. Steve Aragón
Chief Counsel
Texas Health and Human Services Commission
P.O. Box 13247
Austin, Texas 78711

OR2010-15817

Dear Mr. Aragón:

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# 397191.

The Texas Health and Human Services Commission (the "commission") received a request for all proposals pertaining to Request for Proposals 529-05-138. You state proposals submitted by Delta Dental, CompBenefits, Dental Benefit Providers, and First Continental Life will be released to the requestor. Although you take no position on the public availability of the submitted information, you state that the information at issue may implicate the interests of DentaQuest (formerly Doral Dental) and United Concordia. Accordingly, you state, and submit documentation showing, that you notified DentaQuest and United Concordia of the request for information and of their right to submit arguments to this office as to why their submitted 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 received comments from DentaQuest. We have considered the submitted arguments and reviewed the submitted information.

Initially, you inform us the requested information was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2006-01874A (2006). In that decision, we ruled the commission must withhold United Concordia's and DentaQuest's pricing information, as well as portions of DentaQuest's customer information, under section 552.110 of the Government Code but must release the remaining information to the requestor in accordance with copyright law. We have marked the submitted information in accordance with Open Records Letter No. 2006-01874A. As we have no indication there has been any change in the law, facts, or circumstances on which the previous ruling was based, we conclude the commission must continue to rely on Open Records Letter No. 2006-01874A as a previous determination and withhold or release the requested information in accordance with that ruling. *See* Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure). As our ruling is dispositive, we need not address the submitted argument against disclosure.

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

Sincerely,



Jennifer Burnett
Assistant Attorney General
Open Records Division

JB/dls

Ref: ID# 397191

Enc. Submitted documents

c: Requestor
(w/o enclosures)

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