



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

February 3, 2011

Mr. James Downes  
Assistant County Attorney  
Harris County  
2525 Holly Hall, Suite 190  
Houston, Texas 77054

OR2011-01724

Dear Mr. Downes:

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# 408107 (CA File No. 10HSP1283).

The Harris County Hospital District (the "district") received a request for all contracts between the district and Network Sciences, Inc. ("NSI") and all records pertaining to payments made by the district to NSI from the year 2004 to the present. Although you take no position as to whether the submitted information is excepted under the Act, you state release of the submitted information may implicate the proprietary interests of NSI. Accordingly, you state, and provide documentation showing, you notified NSI of the request for information and of its right to submit arguments to this office as to why the submitted information should not be released. *See Gov't Code § 552.305(d); see also* Open Records Decision No. 542 (1990) (statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in the Act in certain circumstances). We have received arguments from NSI. We have considered the submitted arguments and reviewed the submitted information.

Initially, we note you did not submit the requested payment records. To the extent this information existed on the date the district received the request, we assume you have released it. If you have not released any such information to the requestor, you must do so at this time. *See Gov't Code §§ 552.301(a), .302; see also* Open Records Decision No. 664 (2000)

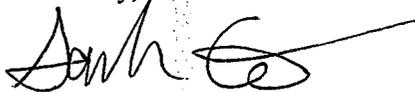
(if governmental body concludes that no exceptions apply to requested information, it must release information as soon as possible).

NSI contends portions of its submitted contract information are excepted under section 552.110(b) of the Government Code, which protects “[c]ommercial or financial information for which it is demonstrated based on specific factual evidence that disclosure would cause substantial competitive harm to the person from whom the information was obtained[.]” Gov’t Code § 552.110(b). This exception to disclosure requires a specific factual or evidentiary showing, not conclusory or generalized allegations, that substantial competitive injury would likely result from release of the information at issue. *Id.*; *see also* Open Records Decision No. 661 at 5-6 (1999). Upon review of NSI’s arguments and the information at issue, we find NSI has failed to demonstrate how its information at issue constitutes commercial or financial information the release of which will cause NSI substantial competitive harm. Further, the terms of a contract with a governmental body are generally not excepted from public disclosure. *See* Gov’t Code § 552.022(a)(3) (contract involving receipt or expenditure of public funds expressly made public); Open Records Decision No. 541 at 8 (1990) (public has interest in knowing terms of contract with state agency). Therefore, the district may not withhold any of the submitted information under section 552.110(b) of the Government Code. As no further exceptions to disclosure are raised, the district must release the submitted information.

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,



Sarah Casterline  
Assistant Attorney General  
Open Records Division

SEC/vb

Ref: ID# 408107

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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(w/o enclosures)