



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 27, 2011

Ms. Lois A. Wischkaemper
Senior Vice President and General Counsel
UMC Health System
602 Indiana Avenue
Lubbock, Texas 79415

OR2011-05734

Dear Ms. Wischkaemper :

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# 415486.

The Lubbock County Hospital District (the "district") received a request for a specified contract and for all proposals submitted for the contract. Although you take no position with respect to the public availability of the requested information, you state that the proprietary interests of a third party might be implicated. Accordingly, you provided notice of the request to Intersect Healthcare, Inc. ("Intersect") and notified it of its right to submit arguments to this office explaining why its information should not be released. *See* Gov't Code § 552.305 (permitting interested third party to submit to attorney general reasons why requested information should not be released); *see also* Open Records Decision No. 542 (1990) (determining statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in certain circumstances). We have reviewed the submitted information.

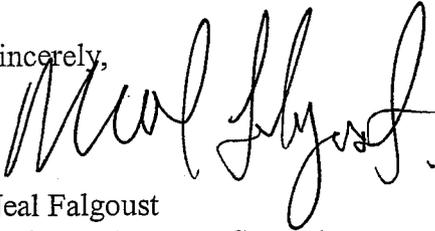
An interested third party is allowed ten business days after the date of its receipt of the governmental body's notice to submit its reasons, if any, as to why information relating to that party should not be released. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, we have not received arguments from Intersect. Thus, Intersect has not demonstrated that it has a protected proprietary interest in any of the requested 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; *see also* Gov't Code § 552.022(a)(3) (contract involving receipt or expenditure of public funds expressly made public). Accordingly, the district may not withhold the requested information on the basis of any proprietary interest Intersect may have in the information. As no 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, 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,



Neal Falgoust
Assistant Attorney General
Open Records Division

NF/dls

Ref: ID# 415486

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Mr. Brian McGraw
Intersect Healthcare, Inc.
1729 York Road, Suite 201
Lutherville, Maryland 21093
(w/o enclosures)