



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 21, 2011

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

OR2011-13649

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# 430938 (CA File No. 11HSP0716).

Harris County (the "county") received a request for the proposal submitted by Diversified Investment Advisors ("Diversified") in response to Job. No. 08/0106. We note you have redacted an insurance policy number under section 552.136 of the Government Code pursuant to the previous determination issued in Open Records Decision No. 684 (2009).¹ See Gov't Code § 552.301(a); Open Records Decision No. 673 at 7-8 (2001). Although the county takes no position on whether the remaining submitted information is excepted from disclosure, you state release of this information may implicate the proprietary interests of Diversified. Accordingly, you inform us, and provide documentation showing, the county notified Diversified of the request and of its right to submit arguments to this office as to why the remaining 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

¹Open Records Decision No. 684 is a previous determination to all governmental bodies authorizing them to withhold ten categories of information, including insurance policy numbers under section 552.136 of the Government Code, without the necessity of requesting an attorney general decision.

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 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 be withheld from public disclosure. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, we have not received comments from Diversified explaining why the remaining submitted information should not be released. Therefore, we have no basis to conclude release of this information will harm the company's proprietary interest. *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. Consequently, the county may not withhold any of the submitted information on the basis of any proprietary interests Diversified may have in the information. As no exceptions to disclosure have been raised, the county must release the remaining 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, 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,



Tamara Wilcox
Assistant Attorney General
Open Records Division

TW/dls

Ref: ID# 430938

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Ms. Shelley Weiner
Regional Director, Vice President
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Chicago, Illinois 60606
(w/o enclosures)