



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

September 27, 2011

Ms. Zeena Angadicheril  
Office of General Counsel  
The University of Texas System  
201 West Seventh Street  
Austin, Texas 78701-2902

OR2011-13998

Dear Ms. Angadicheril:

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# 431321 (OGC # 138541).

The University of Texas Southwestern Medical Center at Dallas (the "university") received a request for information relating to palliative care, including job descriptions and policies for a specified time period. You claim the submitted information is not subject to the Act. You also claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. You also state that you notified Children's Medical Center ("Children's") 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 comments from Children's. We have considered the submitted arguments and reviewed the submitted information. We have also received and considered comments from the requestor. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released).

Both the university and Children's assert the submitted information is not subject to the Act. Section 552.021 of the Government Code provides for public access to "public information," which is defined by section 552.002 of the Government Code as "information that is collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business: (1) by a governmental body; or (2) for a governmental body and the governmental body owns the information or has a right of access to it." *Id.* § 552.002(a). Information that is collected, assembled, or maintained by a third party may be subject to disclosure under the Act if a governmental body owns or has a right of access

to the information. *See* Open Records Decision No. 462 (1987); *cf.* Open Records Decision No. 499 (1988).

Children's states it is a private, not-for-profit corporation that specializes in the delivery of health care services to children. Children's further states that it is not part of the university or the University of Texas System. Children's also states that physicians who practice there do so as members of the independently organized Children's medical staff. Children's further informs us its medical staff members participate in medical committees only in their capacities as medical staff, and any information they obtain or generate in this capacity remains the property of Children's. Children's states one such medical staff member, who is also employed by the university, worked on the submitted draft palliative care services policy. Children's further explains that the university played no role in this process. Thus, Children's argues it did not "create, collect, assemble, or maintain information for [the university]." After reviewing Children's arguments and the information at issue, we agree the submitted draft palliative care services policy does not constitute "information that is collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business" by or for the university. *See* Gov't Code § 552.021; *see also* Open Records Decision No. 635 (1995) (statutory predecessor not applicable to personal information unrelated to official business and created or maintained by state employee involving *de minimis* use of state resources). Therefore, we conclude the submitted draft palliative care services policy is not subject to the Act and need not be released in response to this request. As our ruling is dispositive, we need not address the university's and Children's remaining arguments 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](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,



Mack T. Harrison  
Assistant Attorney General  
Open Records Division

MTH/em

Ref: ID# 431321

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Ms. Regina Montoya  
Children's Medical Center  
1935 Medical District Drive  
Dallas, Texas 75235  
(w/o enclosures)