



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 14, 2012

Ms. Terri L. Cox, RHIA
Chief Quality Officer
Matagorda Regional Medical Center
104 7th Street
Bay City, Texas 77414

OR2012-03793

Dear Ms. Cox:

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# 447581.

The Matagorda Regional Medical Center (the "center") received a request for a copy of a contract entered into between 2010 and 2011 for stretchers as well as all bid proposals related to that contract. Although you take no position regarding whether the requested information is excepted from disclosure, you state its release may implicate the proprietary interests of Stryker Corporation ("Stryker"). Accordingly, you provide documentation showing you have notified Stryker of the request for information and its right to submit arguments to this office. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 (1990) (statutory predecessor to 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exceptions in the Act 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 ruling, we have not received comments from Stryker. Thus, we have no basis to conclude that Stryker has a protected proprietary interest in any of the submitted 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 the 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. Accordingly, the center may not withhold any of the submitted information on the basis of any proprietary interest Stryker may have in its information. As no exceptions to disclosure have been raised, the submitted information must be released to the requestor.

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,



Cynthia G. Tynan
Assistant Attorney General
Open Records Division

CGT/em

Ref: ID# 447581

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Mr. Jay McCullough
Stryker Corporation
950 Trade Centre Way, Suite 200
Kalamazoo, Michigan 49002
(w/o enclosures)