



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

October 3, 2012

Ms. Elisabeth D. Nelson  
For Garland Independent School District  
Law Offices of Robert E. Luna, P.C.  
4411 North Central Expressway  
Dallas, Texas 75205

OR2012-15746

Dear Ms. Nelson:

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# 466757.

The Garland Independent School District (the "district"), which you represent, received a request for twenty-one categories of information pertaining to the appeal of a specific adverse benefit determination. You state the district will release some of the information. Although you take no position with respect to the public availability of the submitted information, you state the proprietary interests of HealthFirst Third Party Administrator ("HealthFirst") and MultiPlan, Inc. ("MultiPlan") might be implicated. Accordingly, you notified HealthFirst and MultiPlan of the request and of their right to submit arguments to this office explaining why their 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 HealthFirst or MultiPlan. Thus, neither HealthFirst nor MultiPlan has demonstrated it 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 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 district may not withhold the submitted information on the basis of any proprietary interests HealthFirst or MultiPlan may have in the information. As you raise no exceptions to disclosure, the submitted information must be released in its entirety.

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,



Neal Falgoust  
Assistant Attorney General  
Open Records Division

NF/ag

Ref: ID# 466757

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Ms. Paula Anthony  
Healthfirst Third Party  
Administrator  
P.O. Box 130187  
Tyler, Texas 7571

(w/o enclosures)

MultiPlan, Inc.  
115 Fifth Avenue, 7<sup>th</sup> Floor  
New York, New York 10003  
(w/o enclosures)