



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 19, 2013

Mr. Charles Galindo Jr.
Assistant Attorney General
Assistant Public Information Coordinator
General Counsel Division
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548

OR2013-06443

Dear Mr. Galindo:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 485882 (PIR No. 13-35515).

The Office of the Attorney General (the "OAG") received a request for the current contracts for the following data matching services: 1) Medicaid recovery file data matching, 2) CHIP enrollment file data matching, and 3) the Texas Workforce Commission file data matching. The OAG has released some information, claims some information is excepted from disclosure under section 552.139 of the Government Code, and has notified HMS, Inc. of the request and of its right to submit arguments to this office as to why its information should not be released. Gov't Code § 552.305(d) (permitting third party with proprietary interest to submit to attorney general reasons why requested information should not be released). We have considered the exception the OAG claims, considered HMS's response, and reviewed the submitted sample of information.¹

First, the OAG informs this office the information it submitted regarding HMS is part of the contract. HMS states it does not object to the release of the executed contract. Thus, the OAG must release this information.

¹We assume the representative sample of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

Next, we consider the OAG's assertion under section 552.139(a) of the Government Code, which provides:

(a) Information is excepted from [required public disclosure] if it is information that relates to computer network security, to restricted information under Section 2059.055 [of the Government Code], or to the design, operation, or defense of a computer network.

Gov't Code § 552.139(a). The OAG asserts the information it marked relates to computer network security and therefore is excepted from public disclosure under section 552.139(a). Upon review of the information, we agree the OAG must withhold the information it marked under section 552.139(a) of the Government Code because it relates to computer network security.

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,



Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/sdk

Ref: ID# 485882

Enc: Submitted documents

c: Requestor
(w/o enclosures)

Mr. William C. Lucia
HMS Holdings Corp.
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Irving, Texas 75038
(w/o enclosures)