



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

February 12, 2016

Ms. Ann-Marie Sheely
Assistant County Attorney
Travis County
P.O. Box 1748
Austin, Texas 78767

OR2016-03464

Dear Ms. Sheely:

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# 598641.

The Travis County Healthcare District d/b/a Central Health (the "district") received a request for information since June 1, 2015, concerning the operations of Sendero Health Plans, Inc. ("Sendero"), Sendero's ability to pay claims and its payments to Ascension Health Texas (formerly Seton Healthcare Family ("Seton")), and correspondence among district board members about Sendero, including proposals for a partnership between Sendero and Seton. The district claims the requested information is excepted from disclosure under sections 552.104 and 552.111 of the Government Code. The district also states, and provides documentation showing, it notified Blue Cross Blue Shield of Texas ("Blue Cross"); St. David's Healthcare Partnership, L.P., L.L.P. ("St. David's"); Sendero; and Seton of the district's receipt of the request for information and of their right to submit arguments to this office as to why the requested information should not be released. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 at 3 (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). In correspondence to this office, Blue Cross, Sendero, Seton, and St. David's object to the release of some of

the information at issue. We have considered the submitted arguments and reviewed the submitted representative sample of information.¹

Initially, the district states some of the submitted information is not responsive to the request for information. This ruling does not address the public availability of any information that is not responsive to the request, and the district is not required to release this information in response to this request.

Next, we note Sendero has submitted to this office information it asserts is excepted from release. However, the district did not submit this information for our review. This ruling does not address information beyond what the district has submitted to us for review. *See* Gov't Code § 552.301(e)(1)(D) (governmental body requesting decision from attorney general must submit copy of specific information requested). Accordingly, this ruling is limited to the information the district submitted as responsive to the request for information. *See id.*

Section 552.104(a) of the Government Code excepts from disclosure “information that, if released, would give advantage to a competitor or bidder.” *Id.* § 552.104(a). The “test under section 552.104 is whether knowing another bidder’s [or competitor’s information] would be an advantage, not whether it would be a decisive advantage.” *Boeing Co. v. Paxton*, 466 S.W.3d 831, 841 (Tex. 2015). The district informs us it formed and is the sole member of Sendero, a health maintenance organization licensed by the Texas Department of Insurance. *See* Health & Safety Code § 281.0515. The district states Sendero has specific marketplace interests in the information at issue because Sendero competes with others for health care services. In addition, the district argues release of the requested information would harm Sendero’s marketplace interests. After review of the information at issue and consideration of the arguments, we find the district has established the release of the information at issue would give advantage to a competitor or bidder. Thus, we conclude the district may withhold the submitted responsive information under section 552.104(a) of the Government Code.²

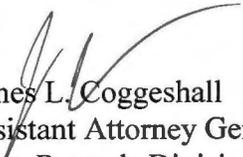
This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

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 those records contain substantially different types of information than that submitted to this office.

²As our ruling is dispositive, we do not address the other arguments to withhold this information.

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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



James L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/bhf

Ref: ID# 598641

Enc. Submitted documents

c: Requestor
(w/o enclosures)

St. David's Healthcare Partnership
c/o Ms. Missy Atwood
Germer Beamon & Brown
Suite 1700
301 Congress Avenue
Austin, Texas 78701
(w/o enclosures)

Sendero Health Plans, Inc
c/o Mr. Bruce McCadless III
Mitchell, Williams, Selig, Gates &
Woodyard
500 West Fifth Street, Suite 1150
Austin, Texas 78701
(w/o enclosures)

Ms. Teresa Burroff
Senior Vice President, Senior Affairs
Ascension Health Texas
Seton Administrative Offices
1345 Philomena Street, Suite 402
Austin, Texas 78723
(w/o enclosures)

Blue Cross Blue Shield of Texas
c/o Robert F. Johnson III
Gardere Wynne Sewell LLP
3000 One American Center
600 Congress Avenue
Austin, Texas 78701
(w/o enclosures)