



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

August 15, 2016

Ms. Andrea D. Russell
Counsel for the Pecan Valley Centers for Behavioral & Development Healthcare
Taylor Olson Adkins Sralla Elam, L.L.P.
I-30 at Bryant Irvin Road
6000 Western Place, Suite 200
Fort Worth, Texas 76107

OR2016-18406

Dear Ms. Russell:

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# 622902.

The Pecan Valley Centers for Behavioral & Development Healthcare ("PVC"), which you represent, received a request for the request for production responses received by PVC for an electronic health record system. Although you take no position as to whether the submitted information is exempted under the Act, you state release of the submitted information may implicate the proprietary interests of NextGen Healthcare ("NextGen"). Accordingly, you state, and provide documentation showing, you notified NextGen 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 reviewed the submitted information.

We note 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 any comments from NextGen explaining why any of the submitted information should not be released. Therefore, we have no basis to conclude NextGen has any protected proprietary interest in the information. *See id.* § 552.110; 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. Consequently, PVC may not withhold any of the submitted information on the basis of any proprietary interests NextGen may have in the information. As no exceptions are raised, the submitted information must be released.

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.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,



Britni Ramirez
Assistant Attorney General
Open Records Division

BR/bhf

Ref: ID# 622902

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Third Party
(w/o enclosures)