



January 21, 2015

Mr. William Clay Harris
Staff Attorney
Office of Legal Counsel
Texas Department of Insurance
P.O. Box 149104
Austin, Texas 78714-9104

OR2015-01151

Dear Mr. Harris:

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# 550996 (TDI #156029).

The Texas Department of Insurance (the "department") received a request for 1) specified reports which summarized and compared total charges, length of stay, and charges per stay, by facility in the workers' compensation system and in other payor systems; 2) a list of hospitals identified for further inquiry/data call; 3) documents related to analysis performed by the department as a result of the previously referenced reports, inquiries, and calls; and 4) all documents related to any administrative action taken by the department as a result of the previously referenced reports, inquiries, and calls as to two specified hospitals. You state you do not have any information responsive to the second, third, and fourth portions of the request.¹ Although you take no position as to the public availability of the submitted information, you state its release may implicate the interests of the Texas Health Care Information Collection of the Department of State Health Services (the "collection"). Accordingly, you state, and provide documentation demonstrating, you notified the collection of the request for information and of its right to submit arguments stating why its information

¹The Act does not require a governmental body to release information that did not exist when it received a request or to create responsive information. *See Economic Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.—San Antonio 1978, writ dismissed); Open Records Decision Nos. 605 at 2 (1992), 555 at 1 (1990), 452 at 3 (1986), 362 at 2 (1983).

should not be released. *See* Gov't Code § 552.304 (interested third party may submit comments stating why information should or should not be released). We have reviewed the submitted information.

As of the date of this letter, we have not received any comments from any party explaining why any portion of the submitted information should not be released to the requestor. As no exceptions to disclosure have been 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,



Abigail T. Adams
Assistant Attorney General
Open Records Division

ATA/akg

Ref: ID# 550996

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Texas Health Care Information Collection
Department of State Health Services
Center for Health Statistics, MC 1898
P.O. Box 149347
Austin, Texas 78714-9347
(w/o enclosures)