



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

March 3, 2017

Ms. Terri L. Cox  
Compliance Officer  
Matagorda Regional Medical Center  
104 7<sup>th</sup> Street  
Bay City, Texas 77414

OR2017-04612

Dear Ms. Cox:

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# 648199.

The Matagorda Regional Medical Center (the "center") received a request for information related to specified requests for proposals, including the awarded contracts and any amendments. You state the center does not maintain information responsive to portions of the request.<sup>1</sup> Although you take no position as to whether the submitted information is excepted under the Act, you state release of the submitted information may implicate the proprietary interests of Medical Information Technology, Inc. ("MEDITECH"). Accordingly, you state, and provide documentation showing, you notified MEDITECH 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 received comments from MEDITECH. We have reviewed the submitted information and the submitted arguments.

The submitted information was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2015-11660 (2015). Pursuant to that ruling, MEDITECH submitted arguments seeking to withhold portions of the information

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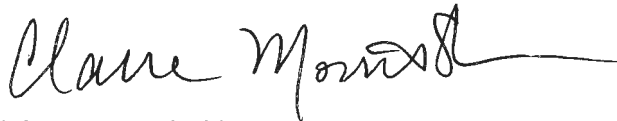
<sup>1</sup>The Act does not require a governmental body that receives a request for information to create information that did not exist when the request was received. *See Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.—San Antonio 1978, writ dismissed); Open Records Decision Nos. 605 at 2 (1992), 563 at 8 (1990), 555 at 1-2 (1990), 452 at 3 (1986), 362 at 2 (1983).

under section 552.110 of the Government Code. We note MEDITECH's current arguments against disclosure of the information at issue are identical to the arguments MEDITECH submitted in the prior ruling. The prior ruling determined, in relevant part, the center must release the information at issue because MEDITECH failed to demonstrate the applicability of section 552.110 of the Government Code to any of the information at issue. We have no indication there has been any change in the law, facts, or circumstances with respect to the information at issue. Accordingly, the center must rely on Open Records Letter No. 2015-11660 as a previous determination and release MEDITECH's information in accordance with that ruling. *See* Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure).

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](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,



Claire V. Morris Sloan  
Assistant Attorney General  
Open Records Division

CVMS/som

Ref: ID# 648199

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Third Party  
(w/o enclosures)