



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 6, 2017

Mr. Robert Spurck
Counsel for Ector County Hospital District
Reed, Clayton, Meeker & Hargett P.L.L.C.
5608 Parkcrest Drive, Suite 200
Austin, Texas 78731

OR2017-20286

Dear Mr. Spurck:

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# 674719.

The Ector County Hospital District d/b/a Medical Center Health System (the "district"), which you represent, received a request for information pertaining to salary ranges for specified clinical positions.¹ The district claims the requested information is excepted from disclosure under sections 552.104 and 552.110 of the Government Code. We have considered the claimed exceptions and reviewed the submitted information.

Section 552.104(a) of the Government Code excepts from disclosure "information that, if released, would give advantage to a competitor or bidder." Gov't Code § 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 states it has specific marketplace interests in the information at issue because the district is competing with other

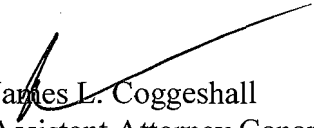
¹The district sought and received clarification of the information requested. See Gov't Code § 552.222 (if request for information is unclear, governmental body may ask requestor to clarify request); see also *City of Dallas v. Abbott*, 304 S.W.3d 380, 387 (Tex. 2010) (if governmental entity, acting in good faith, requests clarification of unclear or over-broad request, ten-day period to request attorney general ruling is measured from date request is clarified).

healthcare providers for both patients and skilled physicians and trained employees. However, upon review we find the district has not established the applicability of section 552.104(a) of the Government Code to the information at issue. According, the district must release the submitted information.

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,



James L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/bw

Ref: ID# 674719

Enc. Submitted documents

c: Requestor
(w/o enclosures)