



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

December 20, 2017

Mr. Randy Floyd  
General Counsel  
Community Care Collaborative  
1111 East Cesar Chavez Street  
Austin, Texas 78702

OR2017-28916

Dear Mr. Floyd:

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# 687415.

Community Care Collaborative ("CCC") received a request for twelve categories of information relating to CCC's operations. You state CCC has released some of the requested information. CCC claims it is not a governmental body, and thus, is not subject to the Act. In the alternative, CCC claims the submitted information is excepted from disclosure under sections 552.104 and 552.110 of the Government Code. In addition, CCC also states the requested information may implicate the proprietary interests of sixty third parties. Accordingly, it states, and provide documentation showing, CCC notified these third parties of the request and their right to submit arguments to this office. *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 received comments from Aegis.net; Affordable Dentures; Ascension Texas; Austin Regional Clinic; Capital Anesthesiology Association; Clinical Pathology Associates; CommUnity Care; Health Management; Infomedia Group; Integrated Care Collaboration; Intelligent Retinal Imaging Systems, LLC; K & C Systems d/b/a Management Information Analysis; Language Services Associates, Inc.; Levatino|Pace; Lone Star Circle of Care; Lone Star Oral and Maxillofacial Surgery; MEDNAX Services, Inc.; People's Community Clinic; SENDERO Health Plans, Inc.; St. David's Healthcare; and Wakely Consulting Group. We have

considered the submitted arguments and reviewed the submitted representative sample of information.<sup>1</sup>

You assert CCC is not a governmental body subject to the Act. The Act defines “governmental body,” in pertinent part, as

the part, section, or portion of an organization, corporation, commission, committee, institution, or agency that spends or that is supported in whole or in part by public funds[.]

Gov’t Code § 552.003(1)(A)(xii). “Public funds” means “funds of the state or of a governmental subdivision of the state.” *Id.* § 552.003(5). The Texas Supreme Court has defined “‘supported in whole or part by public funds’ to include only those private entities or their sub-parts sustained, at least in part, by public funds, meaning they could not perform the same or similar services without the public funds.” *Greater Houston P’ship v. Paxton*, 468 S.W.3d 51, 63 (Tex. 2015). Thus, section 552.003(1)(A)(xii) encompasses only those private entities that are dependent on public funds to operate as a going concern, *see id.* at 61, and only those entities acting as the functional equivalent of the government, *see id.* at 62.

CCC states it is a non-profit section 501(c)(3) corporation. CCC states it is not supported by public funds because, while it does receive some public funding, 80% of its budget comes from non-public funds. CCC explains that it is not maintained or sustained by the funds it receives from a governmental body. Thus, CCC states it does not depend on public funds to operate. Based on our review of CCC’s representations, we find CCC is not sustained by public funds for purposes of the Act. *See id.* at 63. Therefore, we conclude CCC is not sustained by public funds and does not fall within the definition of a “governmental body” under section 552.003(1)(A)(xii) of the Government Code and is thus not subject to the Act. Accordingly, CCC need not respond to the present request for information.<sup>2</sup>

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.

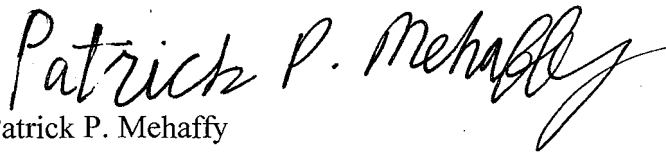
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<sup>1</sup>We assume the “representative sample” of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

<sup>2</sup>As we are able to make this determination, we need not address the remaining arguments against disclosure of the submitted 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](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,



Patrick P. Mehaffy  
Attorney  
Open Records Division

PPM/eb

Ref: ID# 687415

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

18 Third Parties  
(w/o enclosures)