



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 22, 2019

Ms. Kendra Thomas
General Counsel
The Harris Center for Mental Health and IDD
9401 Southwest Freeway
Houston, Texas 77074

OR2019-08098

Dear Ms. Thomas:

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# 756004.

The Harris Center for Mental Health and IDD (the "center") received a request for a specified proposal submitted in response to a specified request for proposals, including the results of the request for proposals pertaining to the requestor's company. Although the center takes no position as to whether the submitted information is excepted under the Act, the center states release of the information at issue may implicate the interests of Harris Health System (the "system"). Accordingly, the center states, and provides documentation showing, it notified the system of the request for information and of its right to submit arguments to this office as to why the information at issue should not be released. *See* Gov't Code § 552.304 (providing that interested party may submit comments stating why information should or should not be released). We have received comments from the system. We have also received comments from Epic Systems Corporation. *See id.* § 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 considered the submitted arguments and reviewed the submitted information.

We note most of the submitted information, which we marked, was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2019-05747 (2019). In Open Records Letter No. 2019-05747, we determined the center may withhold the information at issue under section 552.104(a) of the Government Code. We have no indication the law, facts, or circumstances on which the prior ruling was based

have changed. Accordingly, the center may continue to rely on Open Records Letter No. 2019-05747 as a previous determination and withhold the information we marked in accordance with that ruling.¹ 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 information is or is not excepted from disclosure). As no exceptions to disclosure for the remaining information have been raised, the center must release the remaining 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 M. Graham
Assistant Attorney General
Open Records Division

JMG/gw

Ref: ID# 756004

Enc. Submitted documents

c: Requestor
(w/o enclosures)

c: Third Parties
(w/o enclosures)

¹As our ruling is dispositive, we need not address the arguments against disclosure of this information.