



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

May 16, 2019

Mr. Frank J. Garza  
Counsel for United Medical Centers  
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601 Northwest Loop 410, Suite 100  
San Antonio, Texas 78216-5511

OR2019-13136

Dear Mr. Garza:

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# 763291.

United Medical Centers ("UMC"), which you represent, received a request for eight categories of information regarding a named individual and a specified federal program. You claim UMC is not a government body, and thus, is not subject to the Act.<sup>1</sup> We have considered your arguments and reviewed the submitted information.

You assert UMC 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 in 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

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<sup>1</sup>We note we asked UMC to provide additional information pursuant to section 552.303 of the Government Code. *See* Gov't Code § 552.303(c)-(d) (if attorney general determines information in addition to that required by section 552.301 is necessary to render decision, written notice of that fact shall be given to governmental body and requestor, and governmental body shall submit necessary additional information to attorney general not later than seventh calendar day after date of receipt of notice). We have received and considered the information submitted by UMC pursuant to that request.

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.

You state UMC is a private non-profit corporation that provides “community-based health care services and operates on the basis of several funding sources, including revenues from its business operations, as well as public and private grants and other types of funding.” Thus, you assert UMC does not depend on public funds to operate and could perform the same or similar services without public funds. Based upon your representations and our review of the submitted information, we find UMC is not sustained by public funds for purposes of the Act. *See id.* at 63. Therefore, we conclude UMC 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, UMC need not respond to the present request for 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](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/jxd

Ref: ID# 763291

Enc. Submitted documents

c: Requestor  
(w/o enclosures)