



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

August 19, 2020

Mr. Jonathan Miles
Open Records Attorney
Health and Human Services Commission
P.O. Box 13247
Austin, Texas 78711-2347

OR2020-20794

Dear Mr. Miles:

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# 840500 (ORR# 22590).

The Health and Human Services Commission (the "commission") received a request for contract documents pertaining to a specified solicitation. Although you take no position regarding whether the submitted information is excepted from disclosure, you state its release may implicate the proprietary interests of SoliSYSTEMS Corporation. Accordingly, you state, and provide documentation showing, you notified the third party of the request and its 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 have reviewed the submitted information.

An interested third party is allowed ten business days after the date of its receipt of the governmental body's notice to submit its reasons, if any, as to why info relating to that party should not be released. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this ruling, we have not received comments from SoliSYSTEMS Corporation. Thus, we have no basis to conclude the third party has a protected proprietary interest in the submitted information. *See, e.g., id.* § 552.110 (requiring the provision of specific factual evidence demonstrating the applicability of the exception). Accordingly, the commission may not withhold any of the submitted information on the basis of any proprietary interest SoliSYSTEMS may have in the information. As we have not received any arguments against the disclosure, the commission 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 <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,

Emily Kunst
Assistant Attorney General
Open Records Division

EK/be

Ref: ID# 840500

Enc. Submitted documents

c: Requestor
(w/o enclosures)