



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

November 12, 2020

Mr. Jonathan Miles
Open Records Attorney
Texas Department of State Health Services
P.O. Box 149347
Austin, Texas 78714-9347

OR2020-28459

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# 853502 (DSHS ORR No. 20200720-9750).

The Texas Department of State Health Services (the "department") received a request for current and previous versions of a specified report.¹ Although you take no position regarding whether the submitted information is excepted from disclosure, you state its release may implicate the interests of the White House Office of Intergovernmental Affairs (the "White House"). Accordingly, you state the department notified the White House of the request and of its right to submit comments 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 reviewed the submitted information.

As of the date of this letter, we have not received any comments from the White House explaining why any portion of the submitted information should not be released. As no exceptions to disclosure have been raised, the department 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.

¹ We note the department did not comply with section 552.301 of the Government Code in requesting a ruling from this office. *See Gov't Code* § 552.301(b). Nonetheless, because the interests of third parties can provide a compelling reason to overcome the presumption of openness, we will consider whether any of the submitted information may be withheld under the Act. *See id.* §§ 552.007, .302, .352.

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,

Deborah Southerland
Assistant Attorney General
Open Records Division

DS/rm

Ref: ID# 853502

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Third Party
(w/o enclosures)