



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

December 8, 2022

Ms. Sandy Cardiff
Legal Assistant
Health & Human Services Commission
P.O. Box 13247
Austin, Texas 78711

OR2022-38135

Dear Ms. Cardiff:

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# 988880 (A09142022.0450012).

The Health and Human Services Commission (the "commission") received a request for information pertaining to a specified program. Although you take no position regarding whether the requested information is excepted from disclosure, you state release of the information at issue may implicate the proprietary interests of El Paso MHMR ("El Paso"), Nueces County MHMR ("Nueces County"), and The Harris County Center for Mental Health & IDD ("Harris County Center") Accordingly, you state, and provide documentation showing, you notified these third parties of the request for information and their right to submit arguments to this office as to why the submitted information should not be released. *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 note an interested third party is allowed ten business days after the date of its receipt of the governmental body's notice under section 552.305(d) to submit its reasons, if any, as to why information relating to that party should be withheld from public disclosure. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, we have not received comments from any of the notified third parties explaining why the information at issue should not be released. Thus, we have no basis to conclude any of the notified third parties have a protected proprietary interest in the information at issue. *See, e.g., id.* § 552.110 (requiring the provision of specific factual evidence demonstrating the applicability of the exception).

Therefore, the commission may not withhold any portion of the requested information on the basis of any proprietary interest the notified third parties may have in it. As no arguments have been raised, 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,

Anthony Crabtree
Attorney
Open Records Division

A1C/eb

Ref: ID# 988880

Enc. Submitted documents

c: 4 Requestors
(w/o enclosures)