



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN, TEXAS 78711

**JOHN L. HILL,
ATTORNEY GENERAL**

November 15, 1976

The Honorable Robert E. Stewart
Commissioner
Department of Banking
2601 North Lamar
Austin, Texas 78705

Open Records Decision No. 147

Re: Whether information
contained in bank exam-
ination reports are excepted
from required public dis-
closure under Open Records
Act.

Dear Mr. Stewart:

Pursuant to section 7 of article 6252-17a, V.T.C.S., the Open Records Act, you request our decision whether information contained in bank examination reports of the Department of Banking concerning loans made to specific individuals by a state bank is excepted from required public disclosure either under section 3(a)(1), as information deemed confidential by statutory law by virtue of article 342-210, V.T.C.S., or by the section 3(a)(12) exception.

Your request is made in reference to a request to inspect information concerning loans made by a certain bank to specified individuals and organizations. The requested information is contained in examination reports or work papers prepared pursuant to the Commissioner's duty to examine state banks.

Article 342-210 provides in pertinent part:

Subject to the provisions of Section 5 of Chapter 183 of the Forty-fourth Legislature of Texas (1935), page 461 (Article 489b, Section 5), [permits disclosure to Federal Deposit Insurance Corporation] and any other statutory provision of this State, all information obtained by the Banking Department relative to the financial condi-

tion of state banks, whether obtained through examination or otherwise, except published statements, and all files and records of said Department relative thereto shall be confidential, and shall not be disclosed by the Commissioner or any officer or employee of said Department. . . .

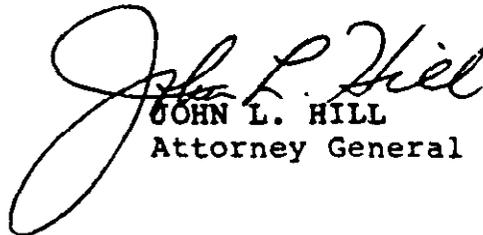
Article 342-211 provides that it is an offense for the Commissioner or any officer or employee of the Banking Department to "divulge information or permit access to any file or record of the Banking Department in violation of Article [342-210] . . ." a violation of which subjects the person to a fine of not more than \$200 and forfeiture of office or employment.

Section 3(a)(12) of the Open Records Act excepts from required public disclosure:

[I]nformation contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions

It is our decision that the requested information is excepted from required public disclosure under the Open Records Act by section 3(a)(1) of the Act as information deemed confidential by article 342-210, and by section 3(a)(12) of the Open Records Act as information contained in an examination report prepared by an agency responsible for the supervision of financial institutions.

Very truly yours,

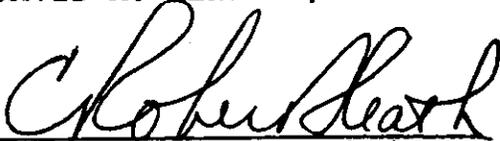


JOHN L. HILL
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APPROVED:



DAVID M. KENDALL, First Assistant



C. ROBERT HEATH, Chairman
Opinion Committee

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