



The Attorney General of Texas

November 26, 1980

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Mr. Archie Clayton
General Counsel
Department of Banking
2601 North Lamar
Austin, Texas 78705

Open Records Decision No. 261

Re: Whether an acknowledgment by the Board of Directors of a state-chartered bank that they have received a report of examination of their bank is public under the Open Records Act

Dear Mr. Clayton:

You have requested our opinion as to whether a form acknowledgment by the Board of Directors of a state-chartered bank is available to the public under the Open Records Act, article 6252-17a, V.T.C.S.

You state that, when the Department of Banking forwards its Report of Examination to a state-chartered bank, it includes for return a form acknowledgment indicating that the bank's directors have received and reviewed the report. When special comments have been included as part of the report, the following sentence is stamped across the face of the acknowledgment letter: "Each of the undersigned has read or caused to be read the letter of transmittal attached hereto." Thus, the presence or absence of the language stamped across the acknowledgment letter indicates, to some extent, the kind of conclusions reached by the Department of Banking in its examination.

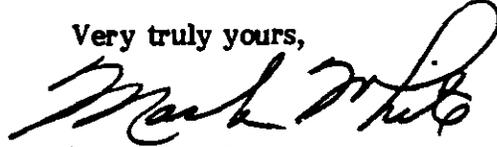
Section 3(a)(12) of the Open Records Act excepts from disclosure:

information 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, and/or securities, as that term is defined in the Texas Securities Act.

In our opinion, the presence or absence of the stamped language constitutes "information contained in or related to examination... reports prepared by... an agency responsible for the regulation or supervision of financial

institutions." We conclude therefore that the form acknowledgment letter is excepted from disclosure under section 3(a)(12) of the Open Records Act.

Very truly yours,

A handwritten signature in black ink, appearing to read "Mark White", written in a cursive style.

MARK WHITE
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