



**THE ATTORNEY GENERAL
OF TEXAS**

April 12, 1989

**JIM MATTOX
ATTORNEY GENERAL**

Mr. A. W. Pogue
Commissioner of Insurance
State Board of Insurance
1110 San Jacinto
Austin, Texas 78701-1998

Dear Mr. Pogue

The State Board of Insurance received an open records request for "a list of companies in the State of Texas that are experiencing financial problems." You state that you released to the requestor a "non-confidential" list of insurance companies in state supervision or conservatorship and a current list of companies in court-ordered receivership. You have not, however, disclosed other information that reveals the identities of other insurance companies in state supervision or conservatorship.

You contend that this office, in OR89-005, previously ruled that subsections 3(a)(1) and (12) of the Open Records Act excepts the other requested information from required public disclosure, that OR89-005 constitutes a "previous determination" that the information currently being requested may be withheld, and that, as such, the SBI need not now seek a subsequent decision from the Attorney General as to whether the requested information may now be withheld.

After reviewing OR89-005, this office believes that it is reasonable to conclude that OR89-005 applies to the information currently being requested and that it constitutes a "previous determination" for purposes of section 7 of the act. Consequently, this office will not pursue a writ of mandamus pursuant to section 8 of the act for your failure to seek an opinion.

If you have any questions regarding this letter, please refer to OR89-118.

Yours very truly,

*Open Government Section
of the Opinion Committee*
Jennifer S. Riggs
Chief, Open Government Section
of the Opinion Committee

JSR/RWP/bc

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