



THE ATTORNEY GENERAL  
OF TEXAS

JIM MATTOX  
ATTORNEY GENERAL

June 4, 1990

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

OR90-210

Dear Mr. Pogue:

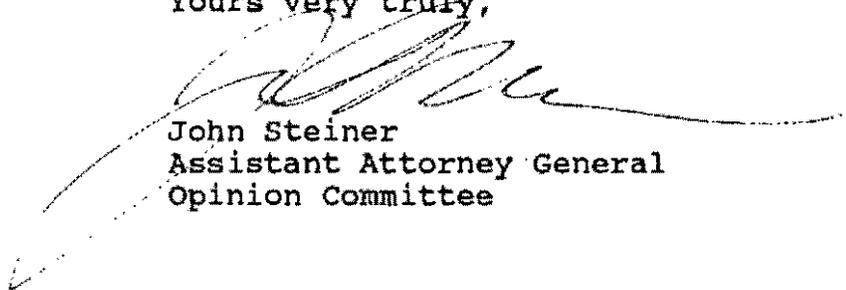
You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 9678.

The State Board of Insurance received an open records request for all records concerning John Whittier & Associates, an insurance company currently under investigation by the board. Because John Whittier & Associates is a New York agent, the investigation is currently being conducted in cooperation with the New York Department of Insurance, with which the board has shared its files. The release of information to other state agencies that are legally entitled to the information does not constitute a release of the information to the public. Attorney General Opinion H-242 (1974). Consequently, the board has not waived the right to withhold from the requestor information that which is otherwise protected under the act.

You indicate that you have released some of the requested information to the requestor, but seek to withhold other information pursuant to section 3(a)(3) of the Open Records Act. We have considered the exception you claimed and have reviewed the documents at issue. In accordance with previous determinations of this office, see e.g. OR90-156 (1990), you may withhold pursuant to section 3(a)(3): correspondence between the board and third parties concerning the investigation, the identities of witnesses and their statements, information compiled internally for purposes of evaluating the case, and internal memoranda and notes. The representative samples you submitted to this office for review contain the type of information you may withhold pursuant to section 3(a)(3).

Because prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR90-210.

Yours very truly,



John Steiner  
Assistant Attorney General  
Opinion Committee

JS/RWP/le

Ref.: ID# 9678, 8710

cc: Karen J. Cox  
Staff Attorney  
State Board of Insurance

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