



DAN MORALES
ATTORNEY GENERAL

Office of the Attorney General
State of Texas

March 13, 1991

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

OR91-136

Dear Mr. Barnes:

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# 11687.

The State Board of Insurance (the board) received an open records request for a copy of its file on Total Plan Services, Inc. (TPS), a third party administrator for George Washington Life Insurance Company. You state that most of the information contained in the file has been released to the requestor, but you seek to withhold pursuant to section 3(a)(12) of the Open Records Act periodic financial reports of TPS prepared "on behalf of" the board.

Section 3(a)(12) protects:

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.

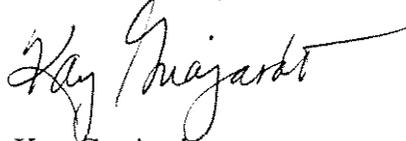
You state that the statements in question are filed with the board as part of the examination process.

The purpose of section 3(a)(12) is to protect certain financial information from disclosure. Section 3(a)(12) focuses on specific information generated during the regulation or supervision of "financial institutions." Open Records Decision No. 483 (1987). The attorney general has held that insurance companies are financial institutions for purposes of section 3(a)(12). Open Records Decision No. 158 (1977). The board's examination reports

that you submitted to this office outline in detail the financial status of TPS and of George Washington Life. You may, therefore, withhold these reports pursuant to section 3(a)(12).

Because case law and 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 OR91-136.

Yours very truly,



Kay Guajardo
Assistant Attorney General
Opinion Committee

KHG/RWP/lcd

Ref.: ID# 11687

Enclosures: Submitted documents

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