



DAN MORALES
ATTORNEY GENERAL

Office of the Attorney General
State of Texas

April 23, 1991

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

OR91-210

Dear Commissioner 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# 11834.

In response to a request for certain information concerning Eagle Insurance Company, you have forwarded to us for our review three related documents. One of the three documents is an audited financial report prepared by an independent certified public accountant and filed with the State Board of Insurance in accordance with article 1.15A of the Texas Insurance Code. *See* Ins. Code, art. 1.15A, §§ 1, 10. The second document is a report on the company's system of internal control. That report is also required by article 1.15A of the Insurance Code. *See Id.* § 16. The third document is a summary of the audited financial report. You contend that these documents may be withheld pursuant to section 3(a)(12) of the Open Records Act.

We agree. Section 3(a)(12) protects from disclosure "information contained in or related to examination, operating, or condition reports" prepared by or for the use of agencies regulating or supervising financial institutions. Your agency is authorized by law to supervise insurance companies, and this office has held that insurance companies are financial institutions for purposes of section 3(a)(12). Open Records Decision No. 158 (1977) (copy enclosed). All three documents contain information concerning the financial status and operation of the company prepared for the use of the board in conjunction with the annual examination of the company required by section one of article 1.15A. Thus, you may withhold these documents pursuant to section 3(a)(12).

This office also held in Open Records Decision No. 158 that the board could withhold from public disclosure examination reports prepared by the board pursuant to article 1.19 of the Insurance Code. Your letter of March 6, 1991, refers to Open Records Decision No. 158 and states that you have withheld pursuant to that decision other information responsive to the request. We express no opinion with regard to the applicability of the section 3(a)(12) exception to that information since you have not forwarded the information to us for our review. We note, however, that a governmental body need not request an opinion if there exists a prior determination by this office that the requested information is excepted from disclosure. *See V.T.C.S., art. 6252-17a, § 7.*

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 OR91-210.

Yours very truly,



Celeste A. Baker
Assistant Attorney General
Opinion Committee

CAB/lb

Ref.: ID# 11834

Enclosure: Open Records Decision No. 158

cc: Lisa Wolff
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