



Office of the Attorney General  
State of Texas

March 18, 1993

DAN MORALES  
ATTORNEY GENERAL

Mr. Jeff D. Hankins  
Legal Assistant, Regulated Lines Section  
Legal Services, 110-1A  
Texas Department of Insurance  
P.O. Box 149104  
Austin, Texas 78714-9104

OR93-133

Dear Mr. Hankins:

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# 18628.

The above-referenced Open Records request concerns materials in the possession of the Insurance Fraud Unit of the Department of Insurance. Section 5(a) of article 1.10D of the Insurance Code provides that materials "acquired by the department [and] relevant to an inquiry by the insurance fraud unit" are not public records "for as long as the commissioner considers reasonably necessary to complete the investigation, protect the person under investigation from unwarranted injury, or serve the public interest."

In enacting section 5(a) of article 1.10D, the Legislature chose to grant the Commissioner, rather than the Attorney General, the authority to decide if the requested information is confidential. You have deemed the documents at issue in this request as confidential in accordance with section 5(a). Accordingly, such materials are confidential, and are exempt from disclosure under section 3(a)(1) of the Open Records Act.

If you have questions about this ruling, please refer to OR93-133.

Yours very truly,

A handwritten signature in cursive script that reads "Rebecca L. Payne".

Rebecca L. Payne  
Section Chief  
Open Government Section

RLP/le

Ref.: ID# 18628

Enclosures: Submitted documents

cc: Marvin A. Berkowitz, M.D.  
4912 N.W. 97th Drive  
Coral Springs, Florida 33076  
(w/o enclosures)