



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 30, 1993

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

OR93-727

Dear Mr. Hankins:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code (former article 6252-17a, V.T.C.S.).¹ Your request was assigned ID# 21688.

You sought an open records decision from this office pursuant to section 552.305 (former section 7(c)) of the act. Consequently, this office notified representatives of USAA that we received your request for an open records decision regarding Data Call #8 information provided to the Texas Department of Insurance. In our letter to USAA, this office requested an explanation as to why this information was excepted from public disclosure, with the caveat that their failure to provide such an explanation within a reasonable time would result in this office instructing you to disclose the information.

USAA has informed us that they have no objection to this particular material being released at this time, and the Texas Department of Insurance argues that the information should be released. Consequently, we have no basis for applying any exceptions to required public disclosure to this information. *See*

¹We note that the Seventy-Third Legislature repealed article 6252-17a, V.T.C.S. Acts 1993, 73d Leg., ch. 268, § 46. The Open Records Act is now codified in the Government Code at chapter 552. *Id.* § 1. The codification of the Open Records Act in the Government Code is a nonsubstantive revision. *Id.* § 47.

Open Records Decision No. 552 (1990). Because neither you nor USAA have contended to this office that the requested information should be withheld, you should release the information at this time. If you have any questions regarding this letter, please contact our office.

Yours very truly,



Rebecca L. Payne
Section Chief
Open Government Section

RLP/LMM/rho

Ref.: ID#s 21688, 22285
ID#s 22407, 22466

cc: Mr. Birny Birnbaum
Chief Economist
Office of Public Insurance Counsel
333 Guadalupe, Suite 3-120
Austin, Texas 78701
(w/o enclosures)

Mr. George E. Joy
P. & C. Insurance Counsel
USAA
USAA Building
San Antonio, Texas 78285
(w/o enclosures)