



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 30, 1994

Ms. Alesia L. Sanchez
Legal Assistant
Legal and Compliance, MC110-1A
Texas Department of Insurance
P.O. Box 149104
Austin, Texas 78714-9104

OR94-886

Dear Ms. Sanchez:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 28857.

The Texas Department of Insurance (the "department") received a request for "copies of any audit findings and exceptions of Old Republic Title agents for the previous twelve (12) month period." You enclosed four title agent examination reports and assert that such reports are excepted from required public disclosure based on sections 552.101 and 552.112 of the Government Code.

Section 552.112(a) of the Government Code states as follows:

[I]nformation is excepted from . . . [required public disclosure] if it is information contained in or relating to examination, operating, or condition reports prepared by or for an agency responsible for the regulation or supervision of financial institutions or securities, or both.

This exception protects examination reports obtained by agencies that regulate financial institutions. *See* Open Records Decision No. 262 (1980). The department is such an agency. *See* Open Records Decision No. 158 (1977). The information you submitted as responsive to this request are reports of examinations the department conducted pursuant

to article 9.48 of the Insurance Code. Accordingly, we conclude that the department may withhold these reports pursuant to section 552.112 of the Government Code.¹

Having concluded that the department may withhold the examination reports pursuant to section 552.112 of the Government Code, we need not address your claims under section 552.101. We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay Guajardo
Assistant Attorney General
Open Government Section

KHG/rho

Ref.: ID# 28857

Enclosures: Submitted documents

cc: Ms. Mary Chapman Cantu
Southwest Regional Counsel
Old Republic
National Title Insurance Company
652 N. Sam Houston Parkway E., Suite 126
Houston, Texas 77060-5987
(w/o enclosures)

¹We note that according to the department regulations pertaining to examination reports, adopted examination reports are open records, unless the examined company is under supervision. *See* 28 T.A.C. § 7.83(f). The examination reports at issue here contain no indication that they are adopted reports. *See id.* § 7.83(a)(8) (defining adopted examination report).