



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

July 13, 1995

Ms. Christine T. Rodriguez  
Staff Attorney  
Legal and Compliance, MC110-1A  
Texas Department of Insurance  
P.O. Box 149104  
Austin, Texas 78714-9104

OR95-614

Dear Ms. Rodriguez:

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# 33996.

The Texas Department of Insurance (the "department") received a request for information concerning Harris Health Plan, Inc. You say the department will release some of the requested information. However, the department seeks to withhold from required public disclosure certain examination reports pursuant to sections 552.101 and 552.112 of the Government Code. You submitted to this office an examination report as a "representative sample" of the information the department seeks to withhold from required public disclosure.

Section 552.112(a) excepts from required public disclosure

information contained in or related 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.

Insurance companies are included within the term "financial institutions" for purposes of section 552.112(a). Open Records Decision No. 158 (1977) at 5-6. We conclude that the department may withhold the examination report from required public disclosure pursuant to section 552.112 of the Government Code.<sup>1</sup>

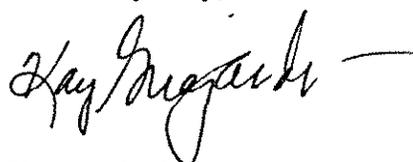
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<sup>1</sup>Section 552.101 of the Government Code excepts from required public disclosure information that is confidential by law. You raised this exception in conjunction with section 9 of article 1.15 of the

In reaching our conclusion here, we assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988) (where requested documents are numerous and repetitive, governmental body should submit representative sample; but if each record contains substantially different information, all must be submitted). This open records letter does not reach, and therefore does not authorize the withholding of any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

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# 33996

Enclosures: Submitted documents

cc: Ms. Marti Quisling  
Medical Consultation Resources, Inc.  
9441 L.B.J Freeway, Suite 517, LB 41  
Dallas, Texas 75243  
(w/o enclosures)

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(Footnote continued)

Insurance Code. Having concluded that the department may withhold the examination report based on section 552.112 of the Government Code, we need not address your section 552.101 claim.