



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 11, 1995

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

OR95-929

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# 32581.

The Texas Department of Insurance (the "department") received a request for information concerning the Prudential Property and Casualty Insurance Company (the "company"). You assert that the company's underwriting guidelines are excepted from required public disclosure pursuant to section 552.101 of the Government Code in conjunction with article 1.24D of the Insurance Code. Counsel for the company contends that article 1.24D applies to not only the underwriting guidelines, but also to correspondence between the department and the company in which the underwriting guidelines were discussed.¹

Section 552.101 of the Government Code excepts information that is confidential by law. Article 1.24D of the Insurance Code makes confidential "copies of an insurer's underwriting guidelines." We conclude that pursuant to section 552.101 of the Government Code in conjunction with article 1.24D of the Insurance Code,

¹As the company's counsel has stated that the company takes no position with regard to the public availability of the documents that are not related to the underwriting guidelines, the department informs us that it has released that information.

the department must withhold from required public disclosure any information that divulges the company's underwriting guidelines, including any such information that appears in correspondence between the company and the department.²

However, we do not believe article 1.24D applies to all of the information. For example, we do not believe article 1.24D applies to the underwriting management agreement, since that document does not contain any information that divulges the company's underwriting guidelines. We have marked a sample of the information that we do not believe divulges the company's underwriting guidelines. The department may not withhold any of the information pursuant to section 552.101 of the Government Code and article 1.24D of the Insurance Code unless such information reveals the company's underwriting guidelines.

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 Records Division

KHG/rho

Ref.: ID# 32581

Enclosures: Marked documents

cc: Mr. Paul Belew
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(w/o enclosures)

²We note that after the exhaustion of all appeals, guidelines that were used as evidence in the successful prosecution of an Insurance Code violation are no longer presumed to be confidential. See Ins. Code art. 1.24D(b)