



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 26, 1996

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

OR96-0397

Dear Ms. Rodriguez:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 38579.

The Texas Department of Insurance (the "department") received a request for all department records pertaining to a particular insurance company. You believe that some of the requested information, specifically examination reports, are excepted from disclosure by section 552.112, or alternatively section 552.101 of the Government Code. You have submitted a representative sample of the examination reports for our review.¹

Section 552.112(a) excepts from disclosure "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." An insurance company regulated by the department is considered a "financial institution" for purposes of section 552.112. Open Records Decision Nos. 637 (1996) at 4, 158 (1977) at 5-6. Furthermore, the information you seek to withhold is contained in an examination report prepared on behalf of the department. Therefore, we conclude that the examination report is excepted from disclosure pursuant to section 552.112.

¹We 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). Here, we do not address any other requested records to the extent that those records contain substantially different types of information than those submitted to this office.

We are resolving this matter with an 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 should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/ch

Ref: ID# 38579

Enclosures: Submitted documents

cc: Mr. Steven S. Mansell
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(w/o enclosures)