



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

April 9, 1996

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

OR96-0503

Dear Ms. Rodriguez:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 26102.

The Department of Insurance (the "department") has received a request for "reports, complaints, audits, evaluations, and investigations" of specified entities. The department has made some of the requested information available to the requestor. The department has submitted a representative sample of the remaining requested information and asserts that sections 552.103, 552.107, 552.111, and 552.112 of the Government Code except the information from required public disclosure.

We address section 552.112 first because we believe it is dispositive. Section 552.112 of the act excepts from required public disclosure:

(a) . . . 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.

(b) In this section, "securities" has the meaning assigned by The Securities Act [article 581-1 et seq., V.T.C.S.]

Section 552.112 protects specific examination, operating, or condition reports obtained by agencies in regulating or supervising financial institutions or securities, or information that indirectly reveals the contents of such reports. Open Records Decision

Nos. 261 (1980), 29 (1974). An entity must be a "financial institution" for its examination, operating or condition reports to be excepted by section 552.112. It is not sufficient that an entity is merely regulated by an agency that regulates or supervises financial institutions. Open Records Decision No. 158 (1977). The term "financial institution" means "any banking corporation or trust company, building and loan association, governmental agency, insurance company, or related corporation, partnership, foundation, or the other institutions engaged primarily in lending or investing funds." *Id.* at 5; *see also* Open Records Decision No. 392 (1983) at 3.

We have examined the records submitted for our review and conclude that are excepted from required public disclosure under section 552.112.¹ Because we resolve this matter under section 552.112, we do not reach the other exceptions you raise.

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,



Loretta R. DeHay
Assistant Attorney General
Open Records Division

LRD/rho

Ref.: ID# 26102

Enclosures: Submitted documents

cc: Mr. Paul D. Rich
Rich & Alonzo
400 South Zang Blvd., Suite 411
Dallas, Texas 75208
(w/o enclosures)

¹In 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). 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.