



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

June 5, 1996

Ms. Christine T. Rodriguez  
Staff Attorney  
Legal and Compliance, MC 110-1A  
Texas Department of Insurance  
P.O. Box 149104  
Austin, Texas 78714-9104

OR96--894

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# 40517.

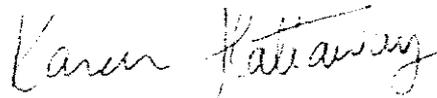
The Texas Department of Insurance (the "department") received a request for "records or portions thereof pertaining to the recent cash infusions into United Republic Insurance to bring its statutory surplus up to state Insurance Department standards" and "any and all information regarding the acquisition of Mechanical Technology stock previously held by United Republic." The department has provided some of the requested information to the requestor, however you contend that the remaining information is excepted from disclosure under sections 552.107, 552.111, and 552.112 of the Government Code. We have reviewed the information at issue in light of the exceptions to disclosure that you have claimed.

You believe that financial memoranda prepared by department staff and work papers that analyze the financial condition or operations of United Republic Insurance Company are excepted from public disclosure under section 552.112. Section 552.112(a) covers "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, such as United Republic Insurance Company, that is 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. We conclude that the financial memoranda and work papers are within the scope of section 552.112. Therefore, these documents are excepted from disclosure under section 552.112.

Section 552.107(1) excepts information that an attorney cannot disclose because of a duty to his client. In Open Records Decision No. 574 (1990), this office concluded that section 552.107 excepts from public disclosure only "privileged information," that is, information that reflects either confidential communications from the client to the attorney or the attorney's legal advice or opinions; it does not apply to all client information held by a governmental body's attorney. *Id.* at 5. Section 552.107(1) does not protect purely factual information. *Id.* One document at issue here is a memorandum from an attorney to his client. The attorney's memorandum contains both unprivileged factual information and privileged attorney advice and opinion. We have marked those portions of the memorandum that the department may withhold under section 552.107(1).<sup>1</sup>

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# 40517

Enclosures: Marked documents

cc: Mr. Timothy Cavanaugh  
The Daily Gazette  
2345 Maxon Road  
Schenectady, New York 12301  
(w/o enclosures)

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<sup>1</sup>As section 552.111 would not except from disclosure any of the information not protected under section 552.112 or section 552.107, we do not address your section 552.111 claim.