



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 28, 1996

Ms. Elizabeth C. Lara
Legal Assistant
Texas Department of Insurance
Legal and Compliance, MC 110-1A
P.O. Box 149104
Austin, Texas 78714-9104

OR96-1955

Dear Ms. Lara:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 101673.

The Texas Department of Insurance (the "department") received a request for various information including information concerning the ANCO Insurance Agency of Bryan, Texas. You state that some of the requested information will be released to the requestor. However, you assert that certain information pertaining to the Continental Lloyds Insurance Company is excepted from required public disclosure based on sections 552.101 and 552.111 of the Government Code. We have reviewed the information you have submitted to this office and have considered the exceptions you raise.

Section 552.101 excepts from required public disclosure information that is deemed confidential by law, including information made confidential by statute. In connection with your section 552.101 claim, you raise Insurance Code article 1.15, section 9, which reads in pertinent part as follows:

A final or preliminary examination report, and any information obtained during the course of an examination, is confidential and is not subject to disclosure under the open records law. . . .

Some of the information you submitted to us appears to be "information obtained during the course of an examination" of the Continental Lloyds Insurance Company. Accordingly, the department must withhold that information from public disclosure pursuant to section 552.101 of the Government Code. We have marked the information to which section 552.101 applies.

Section 552.111 of the Government Code excepts from required public disclosure:

An interagency or intraagency memorandum or letter that would not be available by law to a party in litigation with the agency.

This exception applies to a governmental body's internal communications consisting of advice, recommendations, or opinions reflecting the policymaking process of the governmental body at issue. *See* Open Records Decision No. 615 (1993). This exception does not except from disclosure purely factual information that is severable from the opinion portions of the communication. *See id.* We have marked the information that the department may withhold from public disclosure based on section 552.111.

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 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# 101673

Enclosures: Marked documents

cc: Mr. John D. Charbonnet, Jr.
Oldenettel & Sadberry
1360 Post Oak Boulevard, Suite 2350
Houston, Texas 77056
(w/o enclosures)