



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

April 3, 1997

Ms. Mary Keller  
Senior Associate Commissioner  
Legal and Compliance  
Texas Department of Insurance  
P.O. Box 149104  
Austin, Texas 78714-9104

OR97-0691

Dear Ms. Keller:

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# 104996.

The Texas Department of Insurance (the "department") received an open records request for certain records pertaining to Time Insurance Company and National Security Life and Accident Insurance Company. You contend, among other things, that examination reports of the two insurance companies held by the department are made confidential under article 1.15 of the Insurance Code and therefore must be withheld from the public pursuant to section 552.101 of the Government Code.<sup>1</sup> Section 552.101 of the Government Code protects "information considered to be confidential by law, either constitutional, statutory, or by judicial decision."

You explain that the department obtained the requested information during the course of examinations of the two insurance companies under the authority of section 9 of article 1.15 of the Insurance Code. Citing Open Records Decision No. 640 (1996) as authority, you contend that the requested information is confidential under section 9 of article 1.15.

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<sup>1</sup>Because you do not argue that any of the other requested information is excepted from required public disclosure, we assume the department has released the other requested information to the requestor. Although a representative of one of the insurance companies has argued that certain complaint information being sought by the requestor is excepted from required public disclosure, that information is not before us and we therefore do not consider that information in this ruling.

In Open Records Decision No. 640 (1996), which replaced Open Records Decision No. 637 (1996), this office concluded that section 9 of article 1.15 makes confidential the examination reports and related work papers obtained during the course of an examination of a carrier that is not under liquidation or receivership. Assuming the two insurance companies were not under liquidation or receivership at the time the respective examinations were conducted, we agree that the department must withhold the examination reports pursuant to section 552.101 of the Government Code.<sup>2</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,



Kay H. Guajardo  
Assistant Attorney General  
Open Records Division

KHG/RWP/rho

Ref.: ID# 104996

Enclosures: Submitted documents

cc: Ms. Cynthia A. Leiferman, P.C.  
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(w/o enclosures)

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<sup>2</sup>Because we resolve your request under section 552.101 of the Government Code, we need not address the applicability of the other exceptions you raised.

Mr. Timothy A. Daniels  
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(w/o enclosures)

