



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

July 21, 1997

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

OR97-1659

Dear Ms. Rodriguez:

You seek reconsideration of portions of Open Records Letter No. 97-1012 (1997), in which this office determined that chapter 552 of the Government Code excepted only certain information from required public disclosure. We have assigned your request for reconsideration ID# 107941.

The Texas Department of Insurance (the "department") received a request for information pertaining to an investigation of Aberdeen Insurance Services, Inc. You sought to withhold some of the requested information under sections 552.101, 552.107, 552.111, and 552.112 of the Government Code. You also asked for a decision on other information based on section 552.305 of the Government Code. In your request for reconsideration, you claim that sections 552.107 and 552.111 except more information than the information we indicated could be withheld in Open Records Letter No. 97-1012 (1997). You also claim on reconsideration that the statements in exhibit 4, for which you originally asserted were protected by the informer's privilege and which we concluded may not be withheld under that exception, are made confidential by article 1.10D, section 5(a) of the Texas Insurance Code.

We have examined your request for reconsideration. We decline to change the portions of Open Records Letter No. 97-1012 (1997) pertaining to information which you assert are excepted by sections 552.107 and 552.111. However, we will address your assertion that exhibit 4 is confidential pursuant to article 1.10D, section 5(a) of the Insurance Code.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses information protected by other statutes. Section 5(a) of article 1.10D states in relevant part as follows:

Any information or material acquired by the department that is relevant to an inquiry by the insurance fraud unit is not a public record for as long as the commissioner considers reasonably necessary to complete the investigation, protect the person under investigation from unwarranted injury, or serve the public interest.

Ins. Code art. 1.10D, § 5(a). You inform us that the "statements [in exhibit 4] were originally given to the TDI Fraud Unit as a result of its efforts to investigate certain allegations that Aberdeen had violated several provisions of the Texas Insurance Code," and that "it would not be in the best interest of the public to require public disclosure of the statements." Based on your representation, we conclude that exhibit 4 is excepted from disclosure pursuant to article 1.10D, section 5(a) of the Insurance Code. *See* Open Records Decision No. 608 (1992) (information is rendered confidential by confidentiality provisions of article 1.10D of Insurance Code if it is relevant to inquiry by insurance fraud unit). If you have any questions regarding this ruling, please contact our office.

Yours very truly,



Yen-Ha Le  
Assistant Attorney General  
Open Records Division

YHL/rho

Ref.: ID# 107941

Enclosures: Submitted documents

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