



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

December 12, 1997

Mr. Frank Stenger-Castro  
Vice President - Legal Affairs  
The Facility Insurance Corporation  
8303 Mopac Expressway North, Suite 310-A  
Austin, Texas 78759

OR97-2735

Dear Mr. Stenger-Castro:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 111364.

The Facility Insurance Corporation (the "corporation") received a request from the Texas Worker's Compensation Insurance Fund (the "fund") for access to certain information. You assert that, for purposes of this request for information, the corporation is not a governmental body subject to chapter 552 of the Government Code. We agree. This office recently issued Open Records Letter No. 97-2466 (1997), ruling that the corporation is not a governmental body subject to chapter 552 of the Government Code. That ruling serves as a prior determination under section 552.301(a) of the Government Code. Open Records Letter No. 97-2466 (1997).

We note that the fund asked for this information pursuant to article 5.76-4(f) of the Insurance Code, which provides:

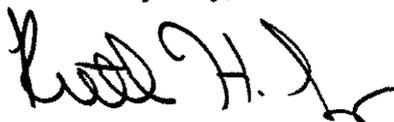
The fund and the Texas workers' compensation insurance facility may exchange information relating to actual or suspected fraud by any applicant, policyholder, claimant, agent, or insurer with respect to workers' compensation insurance policies issued by, or applications for coverage submitted to the facility or the fund. That information may be kept confidential and is not subject to disclosure under the open records act

(Citations omitted).

Article 5.76-4(f) is an access provision outside of the Open Records Act which provides that the fund and the corporation may share information. Thus, the corporation may choose to provide the information requested. However, we agree that the corporation is not required to provide information in response to an open records request.

If you have questions about this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/ch

Ref.: ID# 111346

cc: Ms. Lauren Hampton  
Premium Investigations Department  
Texas Workers' Compensation Insurance Fund  
221 W. 6<sup>th</sup> Street, Suite 300  
Austin, Texas 78701