



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 17, 1998

Mr. Ryan Tredway
Staff Attorney
Legal and Compliance Division MC 110-1A
Texas Department of Insurance
P.O. Box 149104
Austin, Texas 78714-9104

OR98-0741

Dear Mr. Tredway:

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# 114403.

The Texas Department of Insurance (the "department") received an open records request from an insurance agent for all information pertaining to complaints filed against him. You state that the department will make available to the requestor some of the requested information. You seek to withhold, however, an application for accident insurance pursuant to common-law privacy as incorporated into section 552.101 of the Government Code.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This exception encompasses information made confidential by the common-law right to privacy. *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). Information may be withheld under section 552.101 in conjunction with the common-law right to privacy, if the information contains highly intimate or embarrassing facts about a person's private affairs such that its release would be highly objectionable to a reasonable person and if the information is of no legitimate concern to the public. *See id.*

The protection of common-law privacy extends to information that reveals an individual's personal financial decision that does not involve a transaction with a governmental body, including the individual's choice of insurance carrier and types of coverage sought. Open Records Decision No. 600 (1992) and authorities cited therein.

We have marked the information that the department must withhold pursuant to section 552.101 of the Government Code to protect the privacy interests of the applicant. The remaining portions of the application must be released.

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 Hastings
Assistant Attorney General
Open Records Division

KHH/RWP/rho

Ref.: ID# 104403

Enclosures: Marked documents

cc: Mr. Steven C. Lima
2208 W. 34th Street
Houston, Texas 77018
(w/o enclosures)