

January 20, 1999

Mr. Ryan Tredway
Staff Attorney
Legal Compliance, MC110-1A
Texas Department of Insurance
P.O. box 149104
Austin, Texas 78714-9104



OFFICE OF THE
ATTORNEY GENERAL
STATE OF TEXAS

OR99-0135

Dear Mr. Tredway:

— * —
JOHN CORNYN
Attorney General

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 121505.

— * —
P.O. Box 12548
Austin, Texas
78711-2548
(512) 463-2100
www.oag.state.tx.us

The Department of Insurance (the "department") received a request for all complaints, communications and responses, and reviews concerning Lone Star Life Insurance Company. You indicate that some of the responsive information will be released. You contend, however, that the department's responsive examination reports and a financial review document are excepted from disclosure by sections 552.101 and 552.112 of the Government Code. We have considered the exceptions you claim for the submitted sample documents at issue.¹

Section 552.112 excepts from public disclosure

information contained in or relating to examination, operating, or condition reports prepared by or for an agency responsible for the regulation or supervision of financial institutions or securities, or both.

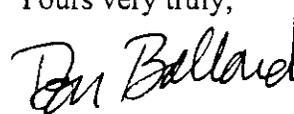
Insurance companies are included within the term "financial institutions" for purposes of section 552.112(a). Open Records Decision Nos. 392 at 3 (1983),

¹In reaching our conclusion here, we assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988); 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

158 at 5-6 (1977). You explain that the examination reports and the financial review document were prepared by the department which is responsible for the regulation and supervision of insurance companies. You also state that the documents concern the financial condition of the company which is the subject of this request. We find, therefore, that the information you have submitted may be withheld under section 552.112 of the Government Code.

Because we are able to make a determination under section 552.112, we do not address whether the information must also be withheld under articles 1.15 or 1.15B of the Insurance Code. 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,



Don Ballard
Assistant Attorney General
Open Records Division

JDB\nc

Ref: ID# 121505

Enclosures: Submitted documents

cc: Ms. Alva W. Ash
937 Walnut Road
Frankfort, Kentucky 40601
(w/o enclosures)