



August 12, 1999

Ms. Loren E. Svor  
Assistant General Counsel  
Texas Department of Banking  
2601 North Lamar Boulevard  
Austin, Texas 74705-4294

OR99-2298

Dear Ms. Svor:

You have asked whether certain information is subject to required public disclosure under the Public Information Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 126586.

The Texas Department of Banking (the "department") received requests from two requestors for certain documents concerning the Llano Cemetery Association ("Llano Cemetery"). The first requestor asks for "[t]he findings of the March 1999 exam of Llano Cemetery Association Inc." The second requestor asks for information relating to the "Llano Cemetery Association Pre-Need Funeral Permit." In response to the request, you submit to this office for review a copy of the records at issue.<sup>1</sup> You state that copies of the responsive documents have been released to the requestors, "subject to the minimal redactions which are the subject of this opinion request." You assert that the redacted information, which relates to the financial condition of Llano Cemetery, is excepted from required public disclosure under section 552.101 of the Government Code. We have considered the exception and arguments you have raised and have reviewed the documents at issue.

Section 552.101 of the Government Code excepts from disclosure "information deemed confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses information protected by other statutes. Section 154.055 of the Finance Code provides:

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<sup>1</sup>As you have noted, this office has previously ruled on the required public release of "a copy of the Special Audits Division's 'PFC Annual Report' listing all PFC permit holders and other pertinent data." See Open Records Letter No. 98-0874 (1998). Furthermore, in Open Records Letter No. 99-1578 (1999), our office addressed a request for documents pertaining to the Llano Cemetery. In both of these prior rulings, we concluded that the department must withhold certain information pursuant to section 552.101 in conjunction with section 154.055 of the Finance Code.

(a) Information relating to the financial condition of a seller obtained by the department directly or indirectly, through examination or otherwise, other than published statements, is confidential.

(b) The files and records of the department relating to the financial condition of a seller are confidential.

(c) The commissioner may disclose the information described by Subsection (a) or (b) to an agency, department, or instrumentality of this or another state or the United States if the commissioner considers disclosure to be in the best interest of the public and necessary or proper to enforce the laws of this or another state or the United States.

After careful review, we agree that the information you seek to withhold is "information relating to the financial condition of a seller obtained by the department directly or indirectly, through examination or otherwise." Therefore, assuming that none of this information was obtained from published statements, we conclude you may withhold the marked portions of submitted information pursuant to section 552.101 in conjunction with section 154.055 of the Finance 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.

Sincerely,



Sam Haddad

Assistant Attorney General  
Open Records Division

SH/nc

Ref.: ID# 126586

Encl. Marked documents

cc: Ms. Kris Kelly  
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