

The ruling you have requested has been modified pursuant to a court order. The court judgment has been attached to this document.



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 14, 2003

Ms. Cynthia Villarreal-Reyna
Section Chief, Agency Counsel
Legal and Compliance
Texas Department of Insurance
P.O. Box 149104
Austin, Texas 78714-9104

OR2003-5694

Dear Ms. Villarreal-Reyna:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 185939.

The Texas Department of Insurance (the "department") received a request for information relating to 14 named entities and five named individuals. The department informs us that it has released some of the requested information.¹ The department claims, however, that other responsive information is excepted from disclosure under sections 552.101, 552.136, and 552.137 of the Government Code.² The department also believes that some of the requested information may implicate the proprietary interests of a private party, Brown & Brown of Texas, Inc. ("Brown"). The department notified Brown of this request for information and of its right to submit arguments to this office as to why information relating to Brown should not be released.³ We received correspondence from an attorney for Brown.

¹You inform us that the requestor has amended his request with regard to information that relates to a pending case file and has agreed to accept the documents relating to the case file that the department considers to be public information.

²The department also initially raised sections 552.103, 552.107, 552.111, and 552.130, but has withdrawn its claims under those exceptions to disclosure.

³See Gov't Code § 552.305(d); Open Records Decision No. 542 (1990) (statutory predecessor to Gov't Code § 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception to disclosure under Gov't Code ch. 552 in certain circumstances).

We have considered all of the submitted arguments and have reviewed the submitted information.⁴

We first address Brown's arguments with regard to the submitted documents that the department believes may contain proprietary information. Brown contends that some of this information may be subject to section 38.001(d) of the Insurance Code. Section 38.001 provides in part:

(b) The department may address a reasonable inquiry to an insurance company, agent, or holder of an authorization relating to:

(1) the person's business condition; or

(2) any matter connected with the person's transactions that the department considers necessary for the public good or for the proper discharge of the department's duties.

...

(d) A response made under this section that is otherwise privileged or confidential by law remains privileged or confidential until introduced into evidence at an administrative hearing or in a court.

Ins. Code § 38.001(b), (d). We note that section 38.001(d) does not itself make any information privileged or confidential. Rather, section 38.001(d) provides that information furnished to the department that is otherwise privileged or confidential remains privileged or confidential until introduced into evidence at an administrative hearing or in a court.

Brown informs us that it provided information relating to Texas Professional Employers Organization ("PEO") to the department pursuant to an inquiry issued under subchapter A of chapter 38 of the Insurance Code. Brown states that some of the documents that it provided to the department are privileged and confidential attorney-client information and are so identified on their face. We note, however, that Brown has not demonstrated how or why any information that it provided to the department under chapter 38 of the Insurance Code is protected by the attorney-client privilege. *See* TEX.R.EVID. 503; Open Records Decision No. 676 (2002). We therefore conclude that Brown has not demonstrated that the department must withhold any of the submitted information under section 38.001 of the Insurance Code.

⁴This letter ruling assumes that the submitted representative sample of information is truly representative of the requested information as a whole. This ruling neither reaches nor authorizes the department to withhold any information that is substantially different from the submitted information. *See* Gov't Code § 552.301(e)(1)(D); Open Records Decision Nos. 499 at 6 (1988), 497 at 4 (1988).

Brown also asserts that article 1.10D of the Insurance Code is applicable to information relating to PEO that Brown provided to the department. Section 5 of article 1.10D provides in part:

- (a) Any information or material acquired by the department that is relevant to any 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); *see also* Open Records Decision No. 608 at 2 (1992) (if commissioner asserts that particular identified records must remain confidential to complete investigation, protect person under investigation from unwarranted injury, or serve public interest, statute does not permit attorney general to go behind that assertion).

In Open Records Letter No. 95-1536 (1995), this office concluded that the department must withhold information under section 5a of article 1.10D when the following three requirements are met: (1) the information was acquired by the department or reveals information that was acquired by the department; (2) the information is relevant to an inquiry by the department's insurance fraud unit; and (3) the commissioner decides the information must remain confidential for any of the reasons listed in the statute. We also stated that the department may rely on Open Records Letter No. 95-1536 (1995) as a previous determination and need not request a decision under section 552.301 of the Government Code when all three of the requirements stated in the prior ruling are met. The department does not inform us, and we are not otherwise aware, of any change in the law, facts, or circumstances on which Open Records Letter No. 95-1536 (1995) is based. Thus, the department may rely on the prior ruling with regard to any submitted information relating to Brown that satisfies the requirements stated in Open Records Letter No. 95-1536 (1995). *See* Gov't Code § 552.301(a); Open Records Decision No. 673 at 7-8 (2001) (attorney general decision constitutes second type of previous determination when (1) requested records or information at issue fall within specific, clearly delineated category of information about which attorney general has previously rendered decision under Gov't Code § 552.301, (2) previous decision is applicable to particular governmental body or type of governmental body from which information is requested, (3) previous decision concludes that specific, clearly delineated category of information is or is not excepted from disclosure under Gov't Code ch. 552, (4) elements of law, fact, and circumstances are met to support previous decision's conclusion that requested records or information at issue is or is not excepted from required disclosure; and (5) previous decision explicitly provides that governmental body or bodies to which decision applies may withhold information without necessity of again seeking decision under Gov't Code § 552.301).

Brown also raises section 552.110 of the Government Code. Section 552.110 protects the proprietary interests of private parties by excepting from disclosure two types of information: (1) "[a] trade secret obtained from a person and privileged or confidential by statute or

judicial decision,” and (2) commercial or financial information for which it is demonstrated based on specific factual evidence that disclosure would cause substantial competitive harm to the person from whom the information was obtained. *See* Gov’t Code § 552.110(a)-(b).

The Texas Supreme Court has adopted the definition of a “trade secret” from section 757 of the Restatement of Torts, which holds a “trade secret” to be

any formula, pattern, device or compilation of information which is used in one’s business, and which gives him an opportunity to obtain an advantage over competitors who do not know or use it. It may be a formula for a chemical compound, a process of manufacturing, treating or preserving materials, a pattern for a machine or other device, or a list of customers. It differs from other secret information in a business . . . in that it is not simply information as to a single or ephemeral event in the conduct of the business A trade secret is a process or device for continuous use in the operation of the business [It may] relate to the sale of goods or to other operations in the business, such as a code for determining discounts, rebates or other concessions in a price list or catalogue, or a list of specialized customers, or a method of bookkeeping or other office management.

RESTATEMENT OF TORTS § 757 cmt. b (1939); *see also* *Hyde Corp. v. Huffines*, 314 S.W.2d 763, 776 (Tex. 1958), *cert. denied*, 358 U.S. 898 (1958). If the governmental body takes no position on the application of the “trade secrets” component of section 552.110 to the information at issue, this office will accept a private person’s claim for exception as valid under that component if that person establishes a *prima facie* case for the exception and no one submits an argument that rebuts the claim as a matter of law.⁵ *See* Open Records Decision No. 552 at 5 (1990).

⁵The Restatement of Torts lists the following six factors as indicia of whether information constitutes a trade secret:

- (1) the extent to which the information is known outside of [the company];
- (2) the extent to which it is known by employees and other involved in [the company’s] business;
- (3) the extent of measures taken by [the company] to guard the secrecy of the information;
- (4) the value of the information to [the company] and [its] competitors;
- (5) the amount of effort or money expended by [the company] in developing the information;
- (6) the ease or difficulty with which the information could be properly acquired or duplicated by others.

RESTATEMENT OF TORTS § 757 cmt. b (1939); *see also* Open Records Decision Nos. 319 at 2 (1982), 306 at 2 (1982), 255 at 2 (1980).

Section 552.110(b) of the Government Code requires a specific factual or evidentiary showing, not conclusory or generalized allegations, that substantial competitive injury would likely result from release of the information at issue. *See also* Open Records Decision No. 661 at 5-6 (1999) (business enterprise must show by specific factual evidence that release of information would cause it substantial competitive harm); *National Parks & Conservation Ass'n v. Morton*, 498 F.2d 765 (D.C. Cir. 1974).

Brown contends that the submitted information that relates to the company contains material that is confidential and proprietary sensitive business information that is protected from disclosure by law and constitutes a trade secret. Having considered Brown's arguments, we find that Brown has not demonstrated that any of the information relating to the company qualifies as a trade secret under section 552.110(a). Likewise, we find that Brown has not shown that substantial competitive injury would likely result from the release of any of the information in question. We therefore conclude that none of the information relating to Brown is excepted from disclosure under section 552.110.

Next, we consider the department's claims with regard to the rest of the submitted information. We first address the department's statement that Open Records Letter No. 2001-4777 (2001) is applicable to some of the submitted information. In that decision, we authorized the department to withhold, under section 552.101 of the Government Code in conjunction with common-law privacy, information that identifies an enrollee in a health plan, including the enrollee's name, address, telephone number, birth date, social security number, and claim number, without the necessity of again requesting a decision under section 552.301 of the Government Code, as long as the elements of law, fact, and circumstances on which the prior ruling is based do not change.

The department informs us that it has marked information in the submitted documents that identifies an enrollee in a health plan and is therefore excepted from disclosure under Open Records Letter No. 2001-4777 (2001). We have marked additional information that identifies an enrollee in a health plan and thus is encompassed by the prior ruling. The department does not inform us of any change in the law, facts, or circumstances on which the prior ruling is based. Accordingly, the department must withhold the marked portions of the submitted information that identify an enrollee in a health plan in accordance with Open Records Letter No. 2001-04777 (2001). *See* Gov't Code § 552.301(a); Open Records Decision No. 673 at 7-8 (2001).

Next, we address the department's claims under section 552.101 of the Government Code. Section 552.101 excepts from required public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This exception encompasses information that other statutes make confidential. The disclosure of medical records is governed by the Medical Practice Act (the "MPA"), subtitle B of title 3 of the Occupations Code. *See* Occ. Code § 151.001. Section 159.002 of the MPA provides in part:

(a) A communication between a physician and a patient, relative to or in connection with any professional services as a physician to the patient, is confidential and privileged and may not be disclosed except as provided by this chapter.

(b) A record of the identity, diagnosis, evaluation, or treatment of a patient by a physician that is created or maintained by a physician is confidential and privileged and may not be disclosed except as provided by this chapter.

(c) A person who receives information from a confidential communication or record as described by this chapter, other than a person listed in Section 159.004 who is acting on the patient's behalf, may not disclose the information except to the extent that disclosure is consistent with the authorized purposes for which the information was first obtained.

Id. § 159.002(a)-(c). This office has determined that in governing access to a specific subset of information, the MPA prevails over the more general provisions of chapter 552 of the Government Code. *See* Open Records Decision No. 598 (1991). We also have concluded that when a file is created as the result of a hospital stay, all of the documents in the file that relate to diagnosis and treatment constitute either physician-patient communications or records of the identity, diagnosis, evaluation, or treatment of a patient by a physician that are created or maintained by a physician. *See* Open Records Decision No. 546 (1990). Medical records must be released upon the patient's signed, written consent, provided that the consent specifies (1) the information to be covered by the release, (2) reasons or purposes for the release, and (3) the person to whom the information is to be released. *See* Occ. Code §§ 159.004, .005. Medical records that pertain to a patient who is deceased may only be released on the signed consent of the decedent's personal representative. *See* Occ. Code §§ 159.005(a)(5). Any subsequent release of medical records must be consistent with the purposes for which the governmental body obtained the records. *See id.* § 159.002(c); Open Records Decision No. 565 at 7 (1990). Medical records may be released only as provided under the MPA. *See* Open Records Decision No. 598 (1991). We have marked the submitted information that is subject to the MPA. The department must not release that information unless it has authority under the MPA to do so.

We also note that chapter 258 of the Occupations Code is applicable to some of the submitted information. Section 258.102 provides as follows:

(a) The following information is privileged and may not be disclosed except as provided by this article:

(1) a communication between a dentist and a patient that relates to a professional service provided by the dentist; and

(2) a dental record.

(b) The privilege described by this section applies regardless of when the patient received the professional service from the dentist.

Occ. Code § 258.102. A "dental record" means dental information about a patient that is created or maintained by a dentist and relates to the history or treatment of the patient. *See id.* §258.101(1). Information that is subject to chapter 258 of the Occupations Code may be disclosed only under certain specified circumstances. *See id.* § 258.104 (consent to disclosure); *see also id.* §§ 258.105, .106, .107 (exceptions to privilege). The written consent for the release of privileged information required under section 258.104 must specify (1) the information covered by the release, (2) the person to whom the information is to be released, and (3) the purpose for the release. *Id.* § 258.104(c). A person who receives information that is privileged under section 258.102 of the Occupations Code may disclose that information to another person only to the extent that disclosure is consistent with the purpose for which the information was obtained. *See id.* § 258.108. We have marked the submitted information that is privileged under section 258.102 of the Occupations Code. The department must not release that information unless a provision of chapter 258 of the Occupations Code permits the department to do so.

The department also raises section 552.101 in conjunction with the common-law informer's privilege. Texas courts have long recognized the informer's privilege. *See Aguilar v. State*, 444 S.W.2d 935, 937 (Tex. Crim. App. 1969). The informer's privilege protects from disclosure the identities of persons who report activities over which the governmental body has criminal or quasi-criminal law-enforcement authority, provided that the subject of the information does not already know the informer's identity. *See Open Records Decision Nos. 515 at 3 (1998), 208 at 1-2 (1978)*. The informer's privilege protects the identities of individuals who report violations of statutes to the police or similar law-enforcement agencies, as well as those who report violations of statutes with civil or criminal penalties to "administrative officials having a duty of inspection or of law enforcement within their particular spheres." *See Open Records Decision No. 279 at 2 (1981) (citing Wigmore, Evidence, § 2374, at 767 (McNaughton rev. ed. 1961))*. The report must be of a violation of a criminal or civil statute. *See Open Records Decision Nos. 582 at 2 (1990), 515 at 4-5 (1988)*. The privilege excepts the informer's statement only to the extent necessary to protect that informer's identity. *See Open Records Decision No. 549 at 5 (1990)*.

You state that some of the submitted information discusses potential conduct that would violate the law. You seek to withhold information that you believe would identify the source of that information. You do not inform us, however, of any specific criminal or civil statute that potentially was violated. Accordingly, we conclude that you have not demonstrated that the information in question is protected by the common-law informer's privilege. Thus, the department may not withhold that information under section 552.101.

Section 552.101 also encompasses the common-law right to privacy. Information must be withheld from disclosure under section 552.101 in conjunction with common-law privacy when the information is (1) highly intimate or embarrassing, such that its release would be

highly objectionable to a person of ordinary sensibilities, *and* (2) of no legitimate public interest. *See Industrial Found. v. Texas Ind. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). Common-law privacy encompasses certain types of personal financial information. Prior decisions of this office have determined that financial information relating only to an individual ordinarily satisfies the first element of the common-law privacy test, but the public has a legitimate interest in the essential facts about a financial transaction between an individual and a governmental body. *See, e.g.*, Open Records Decision Nos. 545 at 4 (1990) (“In general, we have found the kinds of financial information not excepted from public disclosure by common-law privacy to be those regarding the receipt of governmental funds or debts owed to governmental entities”), 523 at 4 (1989) (noting distinction under common-law privacy between confidential background financial information furnished to public body about individual and basic facts regarding particular financial transaction between individual and public body), 373 at 4 (1983) (determination of whether public's interest in obtaining personal financial information is sufficient to justify its disclosure must be made on case-by-case basis).

You have marked information in the submitted documents that you claim is protected by common-law privacy under section 552.101. You inform us that some of the marked information relates to private parties and complaints involving property and casualty insurance. You seek to withhold insurance policy numbers, insurance claim numbers, and the financial details of insurance transactions. Having considered your arguments and reviewed the information that you claim is private, we have marked the types of information that the department must withhold under section 552.101 in conjunction with common-law privacy. We conclude that the remaining information that you have marked is not the type of background financial information about a private individual that is protected by common-law privacy. *See generally* Open Records Decision Nos. 523 (1989), 373 (1983).

You also claim that information relating to a complaint involving life insurance is protected by common-law privacy. With regard to that information, you acknowledge that privacy is a personal right that lapses at death. *See* Open Records Decision No. 272 at 1 (1981). In this instance, the insured party is deceased, and thus the insured party's right to privacy has lapsed. However, the beneficiary of the insurance policy has a separate right to privacy. Therefore, the life insurance information that would reveal the beneficiary's identity is protected by common-law privacy. We have marked that information, which the department also must withhold under section 552.101. We also have marked a small amount of information in the documents relating to Brown that is excepted from disclosure under section 552.101 in conjunction with common-law privacy.

The department also raises section 552.136 of the Government Code. This exception provides as follows:

- (a) In this section, “access device” means a card, plate, code, account number, personal identification number, electronic serial number, mobile

identification number, or other telecommunications service, equipment, or instrument identifier or means of account access that alone or in conjunction with another access device may be used to:

- (1) obtain money, goods, services, or another thing of value; or
- (2) initiate a transfer of funds other than a transfer originated solely by paper instrument.

(b) Notwithstanding any other provision of this chapter, a credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a governmental body is confidential.

Gov't Code § 552.136. We have marked account number information in the submitted documents, including the documents relating to Brown, that the department must withhold under section 552.136.

Lastly, we address the department's claim under section 552.137 of the Government Code. This exception provides as follows:

- (a) An e-mail address of a member of the public that is provided for the purpose of communicating electronically with a governmental body is confidential and not subject to disclosure under this chapter.
- (b) Confidential information described by this section that relates to a member of the public may be disclosed if the member of the public affirmatively consents to its release.

Gov't Code § 552.137. Section 552.137 is applicable only to a personal e-mail address. Section 552.137 is not applicable to an institutional e-mail address, an Internet website address, or an e-mail address that a governmental body maintains for one of its officials or employees. We have marked the e-mail addresses in the submitted documents, including the documents relating to Brown, that are confidential under section 552.137. You inform us that the individuals to whom these e-mail addresses belong have not affirmatively consented to their public disclosure. Therefore, the department must withhold the marked e-mail addresses under section 552.137.

In summary, any information relating to Brown that satisfies the requirements stated in Open Records Letter No. 95-1536 (1995) may be withheld from disclosure under section 5(a) of article 1.10D of the Insurance Code. The department also must withhold the marked information that relates to an enrollee in a health plan under Open Records Letter No. 2001-4777 (2001). The department must not release the marked information that is subject to the MPA unless it has authority under the MPA to do so. The marked information that is privileged under section 258.102 of the Occupations Code must not be released unless the

department is authorized to do so under chapter 258 of the Occupations Code. The department must withhold the marked information that is protected by common-law privacy under section 552.101. The department also must withhold the marked account number information under section 552.136 and the marked e-mail addresses under section 552.137. The department must release the rest of the submitted information.

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

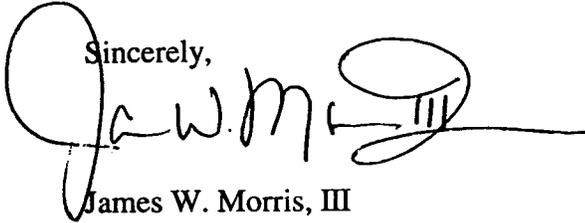
If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at (877) 673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Dep't of Pub. Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.—Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the Texas Building and Procurement Commission at (512) 475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. We note that a third party may challenge this ruling by filing suit seeking to withhold information from a requestor. Gov't Code § 552.325. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,

A handwritten signature in black ink, appearing to read "J.W. Morris, III". The signature is fluid and cursive, with a large initial "J" and a distinct "III" at the end.

James W. Morris, III
Assistant Attorney General
Open Records Division

JWM/sdk

Ref: ID# 185939

Enc: Submitted documents

c: Mr. Frederick J. Dailey
1710 South Dairy Ashford, Suite 103
Houston, Texas 77077
(w/o enclosures)

Mr. Keith G. Hopkinson
Cantey & Hanger Roan & Autrey, L.L.P.
400 West 15th Street, Suite 200
Austin, Texas 78701-1647
(w/o enclosures)

LM JUN 15 2009

At 8:50A M.
Amalia Rodriguez-Mendoza, Clerk

CAUSE NO. GN303233

BROWN & BROWN INSURANCE	§	IN THE DISTRICT COURT OF
SERVICES OF TEXAS, INC.,	§	
Plaintiff,	§	
	§	
V.	§	
	§	TRAVIS COUNTY, TEXAS
THE HON. GREG ABBOTT, ATTORNEY	§	
GENERAL, STATE OF TEXAS, and	§	
THE HON. MIKE GEESLIN, ¹	§	
COMMISSIONER, TEXAS	§	
DEPARTMENT OF INSURANCE,	§	
Defendants.	§	353 RD JUDICIAL DISTRICT

AGREED FINAL JUDGMENT

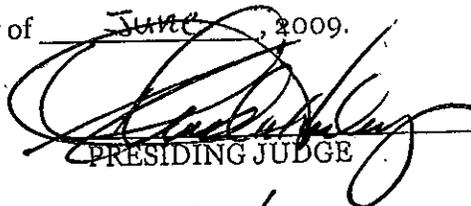
On this date, the Court heard the parties' motion for agreed final judgment. Plaintiff Brown & Brown Insurance Services of Texas, Inc. (Brown), and Defendants Greg Abbott, Attorney General of Texas, and Mike Geeslin, Commissioner, Texas Department of Insurance appeared, by and through their respective attorneys, and announced to the Court that all matters of fact and things in controversy between them had been fully and finally compromised and settled. This cause is an action under the Public Information Act (PIA), Tex. Gov't Code Ann. ch. 552. The parties represent to the Court that, in compliance with Tex. Gov't Code Ann. § 552.325(c), the requestors have been sent reasonable notice of this setting and of the parties' agreement that TDI must withhold some of the information at issue; that the requestors were also informed of their right to intervene in the suit to contest the withholding of this information; and that none of the requestors have informed the parties of his or her intention to intervene. Neither has any requestor filed a motion to intervene or appeared today. After considering the agreement of the parties and the law, the Court is of the opinion that entry of an agreed final judgment is appropriate, disposing of all claims between these parties.

¹Mike Geeslin has been substituted for Jose Montemayor, who was the Commissioner when this suit was filed.

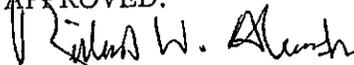
IT IS THEREFORE ADJUDGED, ORDERED AND DECLARED that:

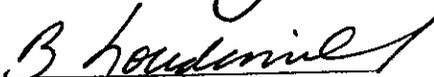
1. Some of the information at issue, specifically, Bates nos. 56-58, is excepted from disclosure by Tex. Gov't Code § 552.101, in conjunction with Tex. Insur. Code § 38.001(d).
2. Some of the information at issue, specifically, the identities of Brown customers, marked by the Attorney General, in purple, on Bates nos. 1-9, 11-14, 30-46, and 53-55, are excepted from disclosure by Tex. Gov't Code § 552.110(a).
3. Brown no longer contests the disclosure of the remaining information at issue. TDI shall disclose to the requestors all information pertaining to Brown that is responsive to the requests for information and that was not held excepted from disclosure in Letter Ruling 2003-5694 or by Paragraphs 1 and 2 of this Judgment.
4. All costs of court are taxed against the parties incurring the same;
5. All relief not expressly granted is denied; and
6. This Agreed Final Judgment finally disposes of all claims between Plaintiff and Defendants and is a final judgment.

SIGNED this the 15 day of June, 2009.


PRESIDING JUDGE

APPROVED:


RICHARD W. ALEXANDER
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ATTORNEY FOR DEFENDANTS