



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

January 7, 2010

Ms. Cynthia Villarreal-Reyna
Section Chief, Agency Counsel
Legal & Regulatory Affairs MC 110-1A
Texas Department of Insurance
P.O. Box 149104
Austin, Texas 78714-9104

OR2010-00320

Dear Ms. Villarreal-Reyna:

You ask 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# 366530 (TDI# 97222).

The Texas Department of Insurance (the "department") received a request for the entire claim data set, including ten specified categories of information, used to produce the 2009 report card for the Workers' Compensation Network. You claim the requested information is excepted from disclosure under section 552.101 of the Government Code.¹ We have considered the exception you claim and reviewed the submitted representative sample of information.²

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This section encompasses information protected by other statutes, such as section 405.004 of the Labor Code. Section 405.004 provides in relevant part:

¹We note, in your letter dated November 4, 2009, you withdrew your assertions under sections 552.111 and 552.136 of the Government Code.

²We assume 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 those records contain substantially different types of information than that submitted to this office.

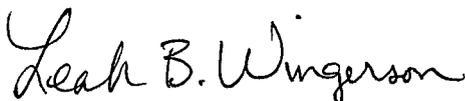
(e) A working paper, including all documentary or other information, prepared or maintained by the [worker's compensation research and evaluation group (the "group")] in performing the group's duties under this chapter or other law to conduct an evaluation and prepare a report is excepted from the public disclosure requirements of Section 552.021, Government Code.

Labor Code § 405.004(e). You state the requested data set is a working paper prepared and maintained by the group to conduct an evaluation of workers' compensation claims and prepare the report card at issue. You also state the group performed these duties under the statutory authority of chapter 405 of the Labor Code. Based on your representations and our review, we find the requested information is confidential under section 405.004(e) of the Labor Code and must be withheld under section 552.101 of the Government Code.³

You also ask this office to issue a previous determination permitting the department to withhold the type of information at issue in this instance without requesting a ruling from this office. We decline to issue such a previous determination at this time. Accordingly, 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 more information concerning those rights and responsibilities, please visit our website at http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Leah B. Wingerson
Assistant Attorney General
Open Records Division

LBW/dls

³As our ruling is dispositive, we need not address your remaining arguments against disclosure for portions of the information.

Ref: ID# 366530

Enc. Submitted documents

c: Requestor
(w/o enclosures)