



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 9, 2010

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

OR2010-10153

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# 386021 (TDI # 103464).

The Texas Department of Insurance (the "department") received a request for nineteen categories of information pertaining to the Division of Workers' Compensation Medical Quality Review Panel. You claim that the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially, we note that you have only requested a ruling from our office for two of the nineteen categories of information. Thus, to the extent any information responsive to the remaining categories existed when the present request was received, we assume it has been released. If such information has not been released, then it must be released at this time. *See* Gov't Code §§ 552.301(a), .302; *see also* Open Records Decision No. 664 (2000) (if governmental body concludes that no exceptions apply to requested information, it must release information as soon as possible).

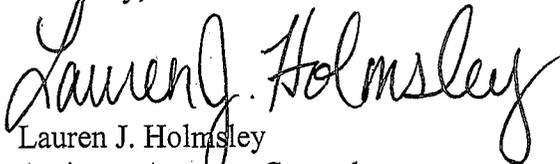
This office issued Open Records Letter No. 2005-01938 (2005), which serves as a previous determination under section 552.301(a) of the Government Code for the department with respect to information in an investigative file maintained under section 413.002, 413.0511, or 413.0512 of the Labor Code. You assert that previous determination is applicable to the submitted information. Thus, pursuant to that previous determination, the department must

withhold the submitted information in accordance with Open Records Letter No. 2005-01938.¹ See Gov't Code § 552.301(a); Open Records Decision No. 673 at 7-8 (2001) (governmental body may rely on previous determination when elements of law, fact, and circumstances have not changed, decision concludes specific, clearly delineated category of information is excepted, and governmental body is explicitly informed it need not seek a decision from this office to withhold information in response to future requests).

This letter ruling is limited to the particular information 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 information 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,



Lauren J. Holmsley
Assistant Attorney General
Open Records Division

LJH/eeg

Ref: ID# 386021

Enc. Submitted documents

c: Requestor
(w/o enclosures)

¹As our ruling is dispositive, we need not address your remaining arguments against disclosure.