



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 17, 2011

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

OR2011-15039

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# 433641 (TDI # 118303).

The Texas Department of Insurance (the "department") received a request for the approval and amount of rate increases of a specified category of insurance policies by John Hancock Life Insurance Company ("John Hancock") during a specified time period. Although the department takes no position regarding whether the submitted information is excepted from disclosure, you state release of the requested information may implicate the proprietary interests of John Hancock. Accordingly, you provide documentation showing you have notified John Hancock of the request and its right to submit arguments to this office. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 (1990) (statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in the Act in certain circumstances). We have received comments from John Hancock. We have considered these comments and reviewed the submitted information.

John Hancock asserts the information submitted by the department is not responsive to the instant request. We note a governmental body must make a good-faith effort to relate a request to information that is within its possession or control. *See* Open Records Decision No. 561 at 8-9 (1990). In this case, the department has reviewed its records and determined the submitted documents are responsive to the request. Thus, we find the department has made a good-faith effort to relate the request to information within its possession or control. Accordingly, we will determine whether the department must release this information to the requestor under the Act.

We understand John Hancock to object to the release of its information. However, John Hancock does not raise any exceptions to disclosure. Therefore, the department may not withhold any portion of John Hancock's information on the basis of any proprietary interest that John Hancock may have in it. *See* Gov't Code § 552.305. As no exceptions are raised, the submitted information must be released to the requestor.

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,



Misty Haberer Barham
Assistant Attorney General
Open Records Division

MHB/agn

Ref: ID # 433641

Enc. Submitted documents

c: Requestor
(w/o enclosures)

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(w/o enclosures)

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