



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

December 20, 2011

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

OR2011-18730

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# 439947 (TDI# 120930).

The Texas Department of Insurance (the "department") received a request for TexasSure database information pertaining to insurance companies who have failed to meet the weekly delivery requirements.¹ You claim 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 representative sample 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

¹We note the department received clarification from the requestor regarding the request. See Gov't Code § 552.222(b) (stating if information requested is unclear to governmental body or if large amount of information has been requested, governmental body may ask requestor to clarify or narrow request, but may not inquire into purpose for which information will be used); see also *City of Dallas v. Abbott*, 304 S.W.3d 380, 387 (Tex. 2010) (holding that when a governmental entity, acting in good faith, requests clarification or narrowing of an unclear or over-broad request for public information, the ten-day period to request an attorney general ruling is measured from the date the request is clarified or narrowed).

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

Code § 552.101. Section 552.101 encompasses information protected by other statutes. Section 601.452(a) of the Transportation Code provides that “[t]he [department] in consultation with [the Department of Public Safety, Department of Motor Vehicles, and Department of Information Resources] shall establish a program for verification of whether owners of motor vehicles have established financial responsibility.” Transp. Code §§ 601.452(a), .451. You inform us that, pursuant to section 601.452(a), the department established the TexasSure database as the verification program. *See id.* §§ 601.452(a), .453 (department shall select agent to develop, implement, operate, and maintain verification program). Each insurance company providing motor vehicle liability insurance policies in this state must provide necessary information regarding those policies to the TexasSure database. *See id.* § 601.454(a); *see also* 28 T.A.C. § 5.604 (reporting requirements for insurers). Pursuant to section 601.454(c) of the Transportation Code, “[i]nformation obtained under [subchapter N of chapter 601 of the Transportation Code] is confidential.” Transp. Code § 601.454(c).

You inform us the information at issue was submitted by insurance companies to the TexasSure database pursuant to section 601.454(a) and the information is located in this database. Based on your representations and our review, we find the submitted information was obtained under subchapter N of chapter 601 of the Transportation Code. Therefore, the submitted information is confidential and must be withheld under section 552.101 of the Government Code in conjunction with section 601.454(c) of the Transportation Code.

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,



Melanie J. Villars
Assistant Attorney General
Open Records Division

MJV/dls

Ref: ID# 439947

Enc. Submitted documents

c: Requestor
(w/o enclosures)