



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

January 10, 2012

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

OR2012-00448

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# 442001 (TDI No. 121223).

The Texas Department of Insurance (the "department") received a request for all information pertaining to complaints against or investigations of a specified individual or company from September 2008 to the date of the request. You state you have released some of the responsive information to the requestor. You state, although the department takes no position with respect to the remaining requested information, it may implicate the interests of The Lewis Law Firm ("Lewis"). Accordingly, you state the department notified Lewis of the request for information and of its right to submit arguments stating why its information should not be released. *See* Gov't Code § 552.305 (permitting interested third party to submit to attorney general reasons why requested information should not be released); Open Records Decision No. 542 (1990) (determining statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in certain circumstances). We have reviewed the submitted information.

An interested third party is allowed ten business days after the date of its receipt of the governmental body's notice under section 552.305(d) to submit its reasons, if any, as to why requested information relating to it should be withheld from disclosure. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, this office has not received comments from Lewis explaining why its information should not be released to the requestor. Thus, we have no basis to conclude the release of any portion of the remaining information would implicate

Lewis's interests. *See id.* § 552.110; Open Records Decision Nos. 661 at 5-6 (1999) (to prevent disclosure of commercial or financial information, party must show by specific factual evidence, not conclusory or generalized allegations, that release of requested information would cause that party substantial competitive harm), 552 at 5 (1990) (party must establish *prima facie* case that information is trade secret), 542 at 3. Accordingly, we conclude the department may not withhold any of the submitted information on the basis of any interest Lewis may have in the information. As you raise no exceptions to disclosure of the submitted information, it must be released.

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](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,



Michelle R. Garza  
Assistant Attorney General  
Open Records Division

MRG/em

Ref: ID# 442001

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Mr. Eric Laskowski  
The Lewis Law Firm  
The Courtyard  
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Beaumont, Texas 77706  
(w/o enclosures)