



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

January 30, 2012

Mr. Robert Giddings  
Assistant General Counsel  
Texas Department of Banking  
2601 North Lamar Boulevard  
Austin, Texas 78705

OR2012-01499

Dear Mr. Giddings:

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# 443780.

The Texas Department of Banking (the "department") received a request for information pertaining to a specified entity, including annual reports, statements, applications, licenses, audits, and examinations. You state you have released some responsive information to the requestor. You claim the submitted information is excepted from disclosure under sections 552.101, 552.111, and 552.112 of the Government Code. We have considered the exceptions you claim and reviewed the submitted representative sample of information.<sup>1</sup>

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. Section 552.101 encompasses information made confidential by other statutes, such as section 181.301 of the Finance Code, which provides in relevant part:

(a) Except as expressly provided otherwise by this subtitle or a rule adopted under Section 181.003(a)(1), the following are confidential and may not be disclosed by the banking commissioner or an employee of the department:

(1) information directly or indirectly obtained by the department in any manner, including through an application or examination, concerning the financial condition or business affairs of a state trust

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<sup>1</sup>We 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.

company . . . other than the public portions of a report of condition or income statement; and

(2) each related file or record of the department.

Fin. Code § 181.301(a). You indicate the submitted information consists of documents obtained or created by the department that concern the financial conditions of a trust company. *See id.* You inform us no provision in or rule adopted under subtitle F of title 3 of the Finance Code would provide for the release of the information subject to section 181.301. *See id.* You also state that the submitted information was not obtained from a published statement or the public portion of a call report or profit and loss statement. *See id.* § 181.301(a)(1). Upon review, we find the submitted information is confidential under section 181.301 of the Finance Code and must be withheld under section 552.101 of the Government Code.<sup>2</sup>

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,



Cynthia G. Tynan  
Assistant Attorney General  
Open Records Division

CGT/em

Ref: ID# 443780

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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<sup>2</sup>Because our ruling is dispositive, we need not address your remaining arguments against disclosure of this information.