



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

January 30, 2012

Ms. Cynthia Villarreal-Reyna
Section Chief
Agency Counsel
Legal and Regulatory Affairs
Texas Department of Insurance
Mail Code 110-1A
P.O. Box 149104
Austin, Texas 78714-9104

OR2012-01505

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# 443750 (TDI # 121895).

The Texas Department of Insurance (the "department") received a request for the date a named insurance company stopped reporting a specified automobile insurance policy to the TexasSure database.¹ You claim the responsive 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 most of the submitted information is not responsive to the request for information because it does not consist of the requested date. This decision does not address the public availability of the non-responsive information and that information need not be released in response to the present request.

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 that the department asked for and received clarification of the request. *See* Gov't Code § 552.222(b) (providing that if request for information is unclear, governmental body may ask requestor to clarify request); *see also City of Dallas v. Abbott*, 304 S.W.3d 380, 387 (Tex. 2010) (holding that when governmental entity, acting in good faith, requests clarification or narrowing of unclear or overbroad request for public information, ten-day period to request attorney general ruling is measured from date request is clarified or narrowed).

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); *see also id.* § 601.451. 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 responsive information was submitted by the specified insurance company to the TexasSure database pursuant to section 601.454(a), and the responsive information is located in this database. Based on your representations and our review, we find this information was obtained under subchapter N of chapter 601 of the Transportation Code. Therefore, the responsive information, which we have marked, 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,



Kenneth Leland Conyer
Assistant Attorney General
Open Records Division

KLC/agn

Ref: ID# 443750

Enc. Submitted documents

c: Requestor
(w/o enclosures)