



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 17, 2012

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

OR2012-05473

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# 450814 (TDI# 124498).

The Texas Department of Insurance (the "department") received a request for the insurance information for a specified motor vehicle. 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 information.

Initially, we note most of the submitted information is not responsive to the request for information because it is not the requested insurance coverage information. 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 Code § 552.101. Section 552.101 encompasses information protected by other statutes, such as section 601.452(a) of the Transportation Code, which 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 responsive information at issue was submitted by an insurance company 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 responsive information was obtained under subchapter N of chapter 601 of the Transportation Code. Therefore, the responsive 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.

You also ask this office to issue a previous determination permitting the department to withhold TexasSure database information obtained by the department under section 552.101 of the Government Code in conjunction with 601.454(c) of the Transportation Code without requesting a ruling from this office. We decline to issue such a previous determination at this time. Accordingly, this letter ruling is limited to the particular records 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 records 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,



Cynthia G. Tynan
Assistant Attorney General
Open Records Division

CGT/em

Ref: ID# 450814

Enc. Submitted documents

c: Requestor
(w/o enclosures)