



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 25, 2012

Ms. Betsy Loar
General Counsel and Assistant Commissioner
Credit Union Department
914 East Anderson Lane
Austin, Texas 78752-1699

OR2012-05895

Dear Ms. Loar:

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# 451581.

The Texas Credit Union Department (the "department") received a request for the merger contract between the Texas Dow Employees Credit Union ("TDECU") and Bluebonnet Credit Union. You claim that the submitted information is excepted from disclosure under sections 552.101 and 552.112 of the Government Code. Additionally, you state that release of the submitted information may implicate the proprietary interests of TDECU; therefore, you have notified TDECU of the request and of its opportunity to submit comments to this office as to why the requested information should not be released to the requestor. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 (1990) (determining that statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain the applicability of exception to disclose under Act in certain circumstances). We have received arguments submitted by TDECU. We have considered the submitted arguments and reviewed the submitted information.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This section encompasses information made confidential by other statutes. The department asserts that

the submitted information is confidential pursuant to section 126.002 of the Finance Code, which provides in relevant part:

(a) Except as provided by Subsections (b) and (c), information obtained directly or indirectly by the department in any manner, including by application or examination, concerning the financial condition or business affairs of a credit union and the files and records of the department relating to that information, except a statement intended for publication, are confidential.

(b) Confidential information may not be disclosed to a member of the [credit union] commission, and a member of the commission may not be given access to the files or records of the department, except that the [credit union] commissioner may disclose to the commission information, files, and records pertinent to a hearing or matter pending before the commission or the commissioner.

(c) The commissioner may disclose the information described by Subsection (a) to a law enforcement agency or another department, agency, or instrumentality of this state, another state, or the United States if the commissioner determines that disclosure is necessary or proper to enforce the laws of this state applicable to credit unions.

Fin. Code § 126.002(a)-(c). We understand that TDECU is a credit union that is regulated and monitored by the department. You state that the submitted information concerns the financial and business information of TDECU. You further state the submitted information consists of records requested and obtained by the department. You also state the submitted information is contained in the files and records of the department. We note that the release provisions in subsections 126.002(b) and (c) are not applicable in this instance. *See id.* § 126.002(b)-(c). Therefore, based on your representations and our review, we conclude that the submitted information is confidential pursuant to section 126.002(a) of the Finance Code and must be withheld under section 552.101 of the Government Code.¹

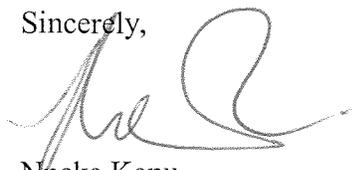
This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

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,

¹As our ruling is dispositive, we need not address any of the remaining arguments against disclosure.

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,

A handwritten signature in black ink, appearing to read 'Nneka Kanu', written over a light blue horizontal line.

Nneka Kanu
Assistant Attorney General
Open Records Division

NK/em

Ref: ID# 451581

Enc. Submitted documents

cc: Requestor
(w/o enclosures)

Ms. Lori Fixley Winland
Locke Lord LLP
100 Congress, Suite 300
Austin, Texas 78701
(w/o enclosures)