ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 9, 2012

Mr. Stanton Strickland
Associate Commissioner
Legal Section
General Counsel Division
Texas Department of Insurance
P.O. Box 149104, Mail Code 110-1A
Austin, Texas 78714-9104

OR2012-16104

Dear Mr. Strickland:

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# 467313 (TDI# 130111).

The Texas Department of Insurance (the "department") received a request for the insurance provider information for a named individual. 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 responsive information. We have also received and considered comments submitted by the requestor. *See* Gov't Code § 552.304 (interested party may submit comments explaining why information should or should not be released).

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. Section 601.452(a) of the Transportation Code provides "[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 §§ 601.451, .452(a). 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 the 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).

The department explains the responsive information is contained in the TexasSure database, which consists of information received from insurance companies and participating state agencies. Based on these 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 the department must withhold it under section 552.101 of the Government Code in conjunction with section 601.454(c) of the Transportation Code.

The department asks this office to issue a previous determination permitting the department to withhold TexasSure database information under section 552.101 of the Government Code in conjunction with section 601.454(c) of the Transportation Code. *See* Gov't Code § 552.301(a) (allowing governmental body to withhold information subject to previous determination); Open Records Decision No. 673 (2001). We decline to issue such a previous determination at this time. Accordingly, 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,

Nneka Kanu
Assistant Attorney General
Open Records Division

NK/bhf

Ref: ID# 467313

Enc. Submitted documents

c: Requestor
(w/o enclosures)