



Texas Department of Insurance

333 Guadalupe Street P.O. Box 149104 Austin, Texas 78714-9104
512/463-6169

COU

RD-675

September 24, 1993

FILE # ML-22426-93

RECEIVED

ATTN: Opinion Committee
The Honorable Dan Morales
Attorney General of Texas
P.O. Box 12548
Austin, Texas 78711-2548

I.D.# 22426

SEP 24

RE: Request for Information Concerning Houston General Insurance Company

Dear General Morales:

On September 15, 1993, this agency received the attached request for information concerning the above-referenced entity. The Texas Department of Insurance ("TDI") has no information responsive to much of the request. The TDI contends that some of the information requested in item four is exempt from public disclosure under § 3(a)(12) of the Texas Open Records Act, Act of May 22, 1993, 73rd Leg., R.S., ch. 268, 1993 Tex. Gen. Laws 597, 604 (Vernon) (to be codified at TEX. GOV'T CODE ANN. § 552.112). This agency is requesting your determination on this information for the reasons discussed below.

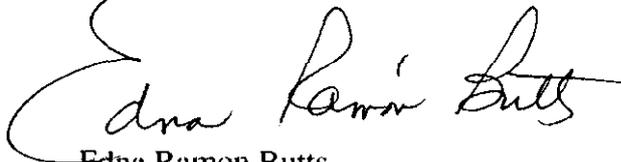
The requestor asks for all documents relating to any performance reviews conducted on Houston General, as well as all documents relating to any other types of reviews. The requestor has been provided with copies of three performance reviews filed with the TDI by the Texas Workers' Compensation Commission. The requestor has also been provided with a copy of an examination report that has been prepared for the TDI regarding the financial condition of Houston General Insurance Company. This report has an "as of" date of December 31, 1990, and is therefore an open record, pursuant to 28 TEX. ADMIN. CODE § 7.83(f)(2). However, any work papers related to the examination report are not made public record, as provided in 28 TEX. ADMIN. CODE § 7.83(a). The work papers were prepared by, on behalf of, and for the use of this agency, which is responsible for the regulation and supervision of insurance companies. An insurance company is a "financial institution," as that term is used in § 3(a)(12) of the Open Records Act, and information contained in or related to an examination report prepared on behalf of this agency is exempt from public disclosure. Tex. Att'y Gen. ORD-158 (1977). The examination work papers should be withheld from public

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disclosure under former § 3(a)(12) of the Open Records Act (to be codified at TEX. GOV'T CODE ANN. § 552.112), as interpreted in Open Records Decision Nos. 158 (1977), 483 (1987), OR91-210 (1991), and OR92-76 (1992).

Your time and attention to this matter are appreciated. Please forward all correspondence related to this matter to Jeff Hankins, Legal Assistant, Legal Services, 110-1A.

Sincerely,

A handwritten signature in cursive script that reads "Edna Ramon Butts". The signature is written in black ink and is positioned above the printed name and title.

Edna Ramon Butts
Commissioner of Insurance