



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

January 26, 1993

Mr. Jeff Hankins
Program Division
Legal Services 110-1C
Texas Department of Insurance
P. O. Box 149104
Austin, Texas 78714-9104

OR93-035

Dear Mr. Hankins:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act (the "act"), article 6252-17a, V.T.C.S. Your request was assigned ID# 15013.

The Texas Department of Insurance (the "department") has received a request for information about Comco Insurance Company (the "insurer"), which is in receivership under article 21.28 of the Insurance Code, along with "names and addresses of all [its] policy holders and claimants, including third party claimants." You state that the department has refused to release the policyholder information and assert that it is judicial information which is not subject to the act. In the alternative, you assert that the information is excepted from required public disclosure under sections 3(a)(1), 3(a)(4), and 3(a)(10) of the act.

The act provides that "[a]ll information collected, assembled, or maintained by or for governmental bodies, . . . is public information and available to the public during normal business hours of any governmental body" with certain exceptions. V.T.C.S. art. 6252-17a, § 3(a). However, the judiciary is not a governmental body for purposes of the act, *id.* § 2(1)(H); *see also Benevides v. Lee*, 665 S.W.2d 151 (Tex. App.--San Antonio 1983, no writ) (discussing purpose of section 2(1)(H)), and information "collected, assembled, or maintained by or for" the judiciary is not subject to the act, *see* Open Records Decision Nos. 610 (1992); 572 (1990); 411 (1984); 25 (1974).

In Open Records Decision No. 610 (copy enclosed), this office concluded that the receiver of an insurance company appointed by a court pursuant to article 21.28 of the Insurance Code holds the books and records of the insurer for the court. The insurer's books and records are records of the judiciary and thus excepted from the act by section 2(1)(H). We understand that the 345th Judicial District Court of Travis County has

placed the insurer in receivership pursuant to article 21.28 of the Insurance Code in cause No. 91-14077, styled *State of Texas v. Comco Ins. Co.* You assert that the requested information is contained in books and records of the insurer. Accordingly, we conclude that the information is judicial in nature and is not subject to the act. Because the requested information is not subject to the act, we do not reach your alternative claims that the information is excepted from required public disclosure under sections 3(a)(1), 3(a)(4), and 3(a)(10).

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR93-035.

Yours very truly,



Mary R. Crouter
Assistant Attorney General
Opinion Committee

MRC/GCK/Imm

Ref.: ID# 15013

Enclosure: Open Records Decision No. 610

cc: Mr. Stan M. Putman, Jr.
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(w/o enclosures)