



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

June 26, 1995

Ms. Alesia L. Sanchez  
Legal Assistant  
Legal and Compliance, MC110-1A  
Texas Department of Insurance  
P.O. Box 149104  
Austin, Texas 78714-9104

OR95-482

Dear Ms. Sanchez:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 31660.

The Texas Department of Insurance (the "department") received a request for information concerning Guaranty Abstract and Title Company (the "company"). You say some of the information will be provided to the requestor. You enclosed as a "representative sample" of the information the department seeks to withhold an examination report, various information that we assume the examiner obtained during the examination, examiner notes, newspaper articles and various correspondence. However, in your letter to this office, you raise exceptions to the release of only "the examination report," and do not address the disclosure of the other information you enclosed. You assert that the examination report is excepted from required public disclosure based on sections 552.101 and 552.112 of the Government Code.

Section 552.112(a) excepts from required public disclosure

information contained in or related to examination, operating, or condition reports prepared by or for an agency responsible for the regulation or supervision of financial institutions or securities, or both.

Insurance companies are included within the term "financial institutions" for purposes of section 552.112(a). Open Records Decision No. 158 (1977) at 5-6. We believe the examination report is information "contained in or related to [the company's]

examination . . . report.” Thus, the department may withhold the report from required public disclosure pursuant to section 552.112 of the Government Code.

As you raise no exception to the release of the remaining records you enclosed, the department must release that information. We have assumed that the remaining records are not attachments to the examination report. We have no information to cause us to assume otherwise. If such records are indeed attachments to the examination report, the department may also withhold those records from required public disclosure based on section 552.112 of the Government Code, with the exception of the newspaper articles and the correspondence.

The department may not withhold from required public disclosure the newspaper articles or the correspondence under section 552.112 or section 552.101 of the Government Code. The newspaper articles are public information. We do not believe the correspondence is information “contained in or related to [the company’s] examination . . . report,” for purposes of section 552.112.

Section 552.101 excepts from required public disclosure information that is confidential by law, including information that is confidential by statute. You raise several provisions in the Insurance Code, including section 9 of article 1.15, article 1.18, section 14(e)(3) of article 9.48, and section 14(e)(4) of article 9.48. None of these provision applies to the correspondence.

In reaching our conclusion here, we assume that the “representative sample” of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988) (where requested documents are numerous and repetitive, governmental body should submit representative sample; but if each record contains substantially different information, all must be submitted). This open records letter does not reach, and therefore does not authorize the withholding of any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay Guajardo  
Assistant Attorney General  
Open Government Section

KHG/rho

Ref.: ID# 31660

Enclosures: Submitted documents

cc: Ms. Gloria Whitehead  
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(w/o enclosures)