



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 20, 1997

Mr. James R. Deese
Regional Director
Credit Union Department
914 East Anderson Lane
Austin, Texas 78752-1699

OR97-1160

Dear Mr. Deese:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 106461.

The Credit Union Department (the "department") received a request for "all documents regarding the circumstances, reasons for and conditions of the conservatorship of Farmers Credit Union of West Texas," as well as "all documentation . . . that pertains to Farmers Credit Union's association with HMO Blue, West Texas." You assert that the requested information is excepted from disclosure under sections 552.112 and 552.101 of the Government Code, in conjunction with the statutory provisions of the Texas Credit Union Act, V.T.C.S. art. 2461-1.01 to -12.02. We have considered the exceptions you claim and reviewed the submitted representative sample of documents.¹

The Texas Credit Union Act provides for the confidentiality of certain information relating to credit unions. Article 2461-5.09(i), V.T.C.S., provides that "[a]n order to cease and desist, an order for removal from office, and each copy of a notice, correspondence, or other record relating to an order concerning violations or unsound practices are confidential and may not be revealed to the public except in a lawsuit authorized by this Act or by other lawful order or authority." Similarly, "[o]rders of conservation and copies of all notices and correspondence relating to those orders are confidential and may not be publicized or

¹We 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). 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.

revealed to the public except in related legal proceedings or as otherwise authorized by law.” V.T.C.S. art. 2461-10.01(m). Furthermore, “[a]ll information, except statements intended for publication, obtained by the department relative to the financial conditions of credit unions, whether obtained through examination or otherwise, and all files and records of the department relative to that information are confidential and not for public record or inspection.” *Id.* art. 2461-11.12(b).

The submitted information falls within the purview of the confidentiality provisions of the Texas Credit Union Act. Thus, the department must withhold the submitted information pursuant to section 552.101 of the Government Code in conjunction with the Texas Credit Union Act.²

We are resolving this matter with an 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 should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/rho

Ref.: ID# 106461

Enclosures: Submitted documents

cc: Mr. Burle Pettit
Lubbock Avalanche-Journal
P.O. Box 401
Lubbock, Texas 70408
(w/o enclosures)

²Because the Texas Credit Union Act is dispositive of the matter, we need not address your section 552.112 claim.