



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 9, 1998

Mr. Ryan Tredway
Staff Attorney
Legal and Compliance Division, MC 110-1A
Texas Department of Insurance
P.O. Box 149104
Austin, Texas 78714-9104

OR98-1622

Dear Mr. Tredway:

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# 116721.

The Texas Department of Insurance (the "department") received a request for three categories of documents relating to the Harris Methodist Texas Health Plan, Inc. ("Harris Methodist"). You state that the department is providing the requestor with the first category of documents, and that the department does not have any documents that are responsive to the second category of the request.¹ You claim that documents responsive to the third category of the request are excepted from disclosure under section 552.112 of the Government Code. You note also that the release of these documents may implicate the proprietary interests of Harris Methodist.

Pursuant to section 552.305 of the Government Code, we notified Harris Methodist of the request for information and of its opportunity to claim that the documents at issue are excepted from disclosure. Harris Methodist responded by claiming that the documents are excepted from disclosure under section 552.112 of the Government Code. Therefore, we do not consider Harris Methodist's proprietary interests in the requested information.

Section 552.112(a) excepts from disclosure "information contained in or relating to examination, operating, or condition reports prepared by or for an agency responsible for the

¹We note that the Open Records Act does not require a governmental body to obtain or create new information in order to comply with a request for information. Open Records Decision No. 534 (1989).

regulation or supervision of financial institutions or securities, or both." Harris Methodist is regulated by the department and is considered a "financial institution" for purposes of section 552.112(a). See Open Records Decision Nos. 637 (1996) at 4, 158 (1977) at 5-6. The documents at issue are Harris Methodist's projected financial statements. You explain that the documents are condition reports of Harris Methodist created at the department's request. Based upon these considerations, we conclude that these documents are excepted from disclosure pursuant to section 552.112(a).

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 upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,


Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/mjc

Ref: ID# 116721

Enclosures: Submitted documents

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cc: Mr. Kenneth J. Kramer
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