

February 9, 1999



OFFICE OF THE
ATTORNEY GENERAL
STATE OF TEXAS

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JOHN CORNYN
Attorney General

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Mr. Ryan Tredway, Staff Attorney
Legal and Compliance Division
Texas Department of Insurance
333 Guadalupe Street
Austin, Texas 78714-9104

OR99-0388

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# 121835.

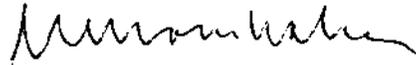
The Department of Insurance (the "department") received a request "for the most recent Texas Department of Insurance Triennial Audit of United Health Care of Texas." You seek to withhold the requested information under sections 552.101 and 552.112 of the Government Code.

Section 552.101 requires withholding, *inter alia*, information made confidential by statute. Article 1.15 of the Insurance Code provides for the triennial examination of insurance carriers by the department. Section 9 of the article provides that "[a] final or preliminary examination or report, and any information obtained during the course of an examination, is not subject to disclosure under the" Open Records Act. We have examined the "Examination Report" you submitted as responsive to the request. We conclude that it is made confidential by article 1.15, section 9. Accordingly, you must withhold the submitted information in its entirety. Since we have resolved this request under section 552.101 of the Government Code in conjunction with article 1.15, section 9 of the Insurance Code, we need not address your claim under section 552.112 of the Government Code.

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,



William Walker
Assistant Attorney General
Open Records Division

WMW/ch

Ref.: ID# 121835

Enclosures: Submitted documents

cc: Ms. Suzanne Kelley
Humana, Inc.
P.O. Box 1438
Louisville, Kentucky 40201-1438
(w/o enclosures)