



March 1, 1999

Ms. Mary Keller:
Staff Attorney
Legal and Compliance
Texas Department of Insurance
P.O. Box 149104
Austin, Texas 78714-9104

OR99-0596

Dear Ms. Keller:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 122418.

The Texas Department of Insurance (the "department") received a request for information concerning a certain named agent. In response to the request, you submit to this office for review a copy of the records which you assert are responsive. You state that the submitted information is excepted from disclosure pursuant to section 552.101 of the Government Code in conjunction with a specified statute and common-law privacy.¹ We have considered the exception you claim and reviewed the submitted information.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." You assert that the records at issue, concerning the "Notice of Appointment or Cancellation," were submitted to the department pursuant to section 14(d) of article 21.14 of the Insurance Code. Section 14 of article 21.14 of the Insurance Code provides, in part:

(d) Upon termination for cause of the appointment of any solicitor, the local recording agent shall immediately file with the State Board of Insurance a statement of the facts relative to the termination of the

¹We assume that any other responsive information that is not at issue will be provided to the requestor.

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appointment and the date and cause thereof. The Board shall thereupon record the termination of the appointment of such solicitor to represent such local recording agent. The solicitor terminated for cause shall receive from the local recording agent a copy of the notice sent to the State Board of Insurance.

(e) Any information, document, record or statement required to be made or disclosed to the Board pursuant to this Article shall be deemed privileged and confidential unless or until introduced into evidence in an administrative hearing.

Ins. Code art. 21.14 § 14 (emphasis added). You argue that “[b]ecause the information is required to be filed under article 21.14, the notices of termination of the appointment of the solicitor are confidential and should be exempt from public disclosure.” We agree that the submitted information is made confidential by section 14(e), in conjunction with section 552.101 of the Government Code.

As we resolve your request under the confidentiality statute, we need not consider your other claims under common-law privacy at this time. 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.

Sincerely,

A handwritten signature in black ink that reads "Sam Haddad". The signature is written in a cursive style with a large, looping initial "S".

Sam Haddad
Assistant Attorney General
Open Records Decision

SH/nc

Ref.: ID# 122418

Enclosures: Submitted documents

cc: Ms. Cheryl Farmer
American Pioneer
P.O. Box 3509
Orlando, Florida 32802
(w/o enclosures)