



June 23, 1999

Ms. Mary Keller  
Senior Associate Commissioner  
Legal and Compliance Division  
Texas Department of Insurance  
P.O. Box 149104  
Austin, Texas 78714-9104

OR99-1729

Dear Ms. Keller:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 126579.

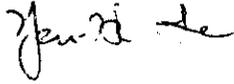
The Texas Department of Insurance (the "department") received a request for the rate filings of three insurance companies, including Home State County Mutual Insurance Company ("Home State"). You have released some of the requested information. However, you assert that the requested information pertaining to Home State may implicate its proprietary interests under section 552.110 of the Government Code. You have submitted only the requested Home State rate filing information for our review.

Since the property rights of a third party may be implicated by the release of the requested information, this office notified Home State of the request for information. *See* Gov't Code § 552.305 (permitting interested third party to submit to attorney general reasons why requested information should not be released); Open Records Decision No. 542 (1990) (determining that statutory predecessor to Gov't Code § 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in Public Information Act in certain circumstances). Home State's response states that it "does not have any trade secrets in regard to the particular rating plan information that was requested," and that it "grant[s] the authority to release the Benchmark rating plan." Thus, we find that the requested information must be released to the requestor.

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,



Yen-Ha Le  
Assistant Attorney General  
Open Records Division

YHL/nc

Ref: ID# 126579

Encl.: Submitted documents

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