ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 9, 2009

Ms. Laurie B. Hobbs
Assistant General Counsel
Office of Consumer Credit Commissioner
2601 North Lamar Boulevard
Austin, Texas 78705

OR2009-15936

Dear Ms. Hobbs:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 360909 (OCCC file #: OR-09-257).

The Office of Consumer Credit Commissioner (the "commissioner") received a request for information related to any audits of a named business. You claim that the requested information is excepted from disclosure under sections 552.101 and 552.112 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This exception encompasses information that other statutes make confidential, including section 348.514 of the Finance Code, which provides in part:

> (a) At the times the commissioner considers necessary, the commissioner or the commissioner's representative shall:
>
> > (1) examine each place of business of each license holder; and
> >
> > (2) investigate the license holder's transactions and records, including books, accounts, papers, and correspondence, to the extent the transactions and records pertain to the business regulated under this chapter.
>
> . . .
>
> (d) All information relating to the examination or investigation process is confidential, including:
>
> > (1) information obtained from the license holder;
> >
> > (2) the examination report;
> >
> > (3) instructions and attachments; and
> >
> > (4) correspondence between the license holder and the commissioner or the commissioner's representative relating to an examination or investigation of the licence holder.

Fin. Code § 348.514(a), (d). The commissioner asserts that Attachments D, E, and F are confidential under section 348.514. The commissioner states Attachment D is an examination report of the named business, Attachment E is information obtained from the license holder in relation to the examination, and Attachment F is correspondence between the license holder and the commissioner regarding the examination. Having considered the commissioner's arguments and reviewed the information at issue, we conclude Attachments D, E, and F are confidential under section 348.514. *Id.* § 348.514(d). Accordingly, the commissioner must withhold these attachments under section 552.101 of the Government Code in conjunction with section 348.514 of the Finance Code. As our ruling is dispositive, we need not address your remaining arguments against disclosure.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General's Open Government Hotline, toll free,

at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,

Tamara Wilcox
Assistant Attorney General
Open Records Division

TW/dls

Ref: ID# 360909

Enc. Submitted documents

c: Requestor
(w/o enclosures)