



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

January 10, 2012

Mr. Robert Giddings
Assistant General Counsel
Texas Department of Banking
2601 North Lamar Boulevard
Austin, Texas 78705

OR2012-00424

Dear Mr. Giddings:

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# 441908.

The Texas Department of Banking (the "department") received a request for copies of two specified applications filed with the department and all associated documents.¹ You claim that the submitted information is excepted from disclosure under sections 552.101, 552.111, 552.112, 552.130, 552.136, 552.137, and 552.147 of the Government Code. We have considered the exceptions you claim and reviewed the submitted representative sample of information.²

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. Section 552.101 encompasses information made confidential by other statutes, such as section 181.301 of the Finance Code. Section 181.301 provides in relevant part:

¹You state the department received clarification from the requestor regarding the request. *See* Gov't Code § 552.222(b) (stating if information requested is unclear to governmental body or if large amount of information has been requested, governmental body may ask requestor to clarify or narrow request, but may not inquire into purpose for which information will be used).

²We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent those records contain substantially different types of information than that submitted to this office.

(a) Except as expressly provided otherwise by this subtitle or a rule adopted under Section 181.003(a)(1), the following are confidential and may not be disclosed by the banking commissioner or an employee of the department:

(1) information directly or indirectly obtained by the department in any manner, including through an application or examination, concerning the financial condition or business affairs of a state trust company . . . other than the public portions of a report of condition or income statement; and

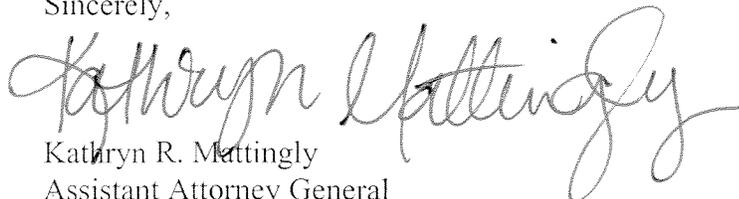
(2) each related file or record of the department.

Fin. Code § 181.301(a). We understand the submitted information consists of documents obtained by the department that concern the financial conditions of two trust companies and related department records. *See id.* You inform us no provision in or rule adopted under subtitle F of title 3 of the Finance Code would provide for the release of the information at issue. *See id.* You also state that the submitted information was not obtained from a published statement or the public portion of a call report or profit and loss statement. *See id.* § 181.301(a)(1). Upon review, we find the requested information is confidential under section 181.301 of the Finance Code and must be withheld under section 552.101 of the Government Code.³

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,



Kathryn R. Mattingly
Assistant Attorney General
Open Records Division

KRM/eb

³As our ruling is dispositive, we need not address your remaining arguments against disclosure.

Ref: ID# 441908

Enc. Submitted documents

c: Requestor
(w/o enclosures)