



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 25, 2012

Mr. Nick Lealos
Staff Attorney
Office of Worker's Compensation Counsel
Legal Section
Texas Department of Insurance
P.O. Box 149104, Mail Code 110-1A
Austin, Texas 78714-9104

OR2012-17108

Dear Mr. Lealos:

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# 468872 (TDI No. 130777).

The Texas Department of Insurance (the "department") received a request for the insurance provider information for a named individual. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

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 protected by other statutes. Section 601.452(a) of the Transportation Code provides "[t]he [department] in consultation with [the Department of Public Safety, Department of Motor Vehicles, and Department of Information Resources] shall establish a program for verification of whether owners of motor vehicles have established financial responsibility." Transp. Code § 601.452(a). Pursuant to section 601.452(a), the department established the TexasSure database as the verification program. *See id.* §§ 601.452(a), .453 (department shall select agent to develop, implement, operate, and maintain verification program). Each insurance company providing motor vehicle liability insurance policies in this state must provide the necessary information regarding those policies to the TexasSure database. *See id.* § 601.454(a); *see also* 28

T.A.C. § 5.604 (reporting requirements for insurers). Pursuant to section 601.454(c) of the Transportation Code, “[i]nformation obtained under [subchapter N of chapter 601 of the Transportation Code] is confidential.” Transp. Code § 601.454(c).

The department explains the submitted information is contained in the TexasSure database, which consists of information received from insurance companies and participating state agencies. Based on these representations and our review, we find the responsive information was obtained under subchapter N of chapter 601 of the Transportation Code. Therefore, the responsive information is confidential, and the department must withhold it under section 552.101 of the Government Code in conjunction with section 601.454(c) of the Transportation Code.

The department asks this office to issue a previous determination permitting the department to withhold TexasSure database information under section 552.101 of the Government Code in conjunction with section 601.454 of the Transportation Code without seeking a decision from this office. *See* § Gov’t Code 552.301(a) (allowing governmental body to withhold information subject to previous determination); Open Records Decision No. 673 (2001). After due consideration, we have decided to grant your request. Therefore, this letter ruling shall serve as a previous determination under section 552.301(a) that the department must withhold under section 552.101 of the Government Code in conjunction with section 601.454(c) of the Transportation Code information received from insurance companies pursuant to section 601.454(a) of the Transportation Code that is contained in the TexasSure database. So long as the elements of law, fact, and circumstances do not change so as to no longer support the findings set forth above, the department need not ask for a decision from this office again with respect to this type of information. *See* ORD 673 at 7.

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,



Jonathan Miles
Assistant Attorney General
Open Records Division

JM/bhf

Ref: ID# 468872

Enc. Submitted documents

c: Requestor
(w/o enclosures)