



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

March 5, 2013

Mr. Nicholas Gray  
Assistant District Attorney  
Harris County District Attorney's Office  
1201 Franklin, Suite 600  
Houston, Texas 77002-1901

OR2013-03745

Dear Mr. Gray:

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# 480412.

The Harris County District Attorney's Office (the "district attorney's office") received a request for a specified offense report. 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 representative sample of information.<sup>1</sup>

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. This section encompasses information protected by other statutes. Section 701.154 of the Insurance Code provides in relevant part:

(a) Except as otherwise provided by law, an authorized governmental agency or an insurer that possesses or receives information or material under [chapter 701 of the Insurance Code] may not release that information or material to the public.

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<sup>1</sup>We assume the "representative sample" of information 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 those submitted to this office.

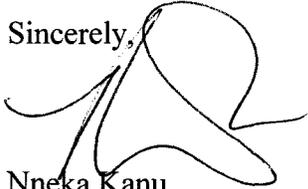
(b) Information provided under [chapter 701] by an insurer to the insurance fraud unit [of the Texas Department of Insurance] or an authorized governmental agency is not subject to public disclosure. The information may be used by the insurance fraud unit or authorized governmental agency only in performing duties described by this chapter.

Ins. Code § 701.154(a)-(b). You state the district attorney's office is the prosecuting attorney for Harris County. Thus, we find the district attorney's office is an authorized governmental agency for purposes of chapter 701. *See id.* § 701.001(1)(B) (definition of "authorized governmental agency" includes prosecuting attorney of county). You also state the Fraud Unit of the Texas Department of Insurance referred the submitted information to the district attorney's office for purposes of consideration for prosecution. Therefore, we conclude the district attorney's office possesses the submitted information under chapter 701. Thus, the submitted information is confidential under section 701.154(a) of the Insurance Code and must be withheld under section 552.101 of the Government Code.

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](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,



Nneka Kanu  
Assistant Attorney General  
Open Records Division

NK/bhf

Ref: ID# 480412

Enc. Submitted documents

c: Requestor  
(w/o enclosures)