



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

February 24, 2014

Mr. Stanton Strickland
Associate Commissioner
Legal Section
General Counsel Division
Texas Department of Insurance
P.O. Box 149104, Mail Code 110-1A
Austin, Texas 78714-9104

OR2014-03346

Dear Mr. Strickland:

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# 514872.

The Texas Department of Insurance (the "department") received a request for any records exchanged between the department and federal government pertaining to the official accounting of workplace deaths in Texas, including the names of the deceased workers. You claim the requested information is not public information subject to the Act. In the alternative, you claim the requested information is excepted from disclosure under section 552.101 of the Government Code. We have considered your arguments.

The department contends the requested information is not subject to the Act. The Act is applicable to "public information." *See* Gov't Code § 552.021. Section 552.002 provides, in pertinent part:

(a) In this chapter, "public information" means information that is written, produced, collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business:

(1) by a governmental body;

(2) for a governmental body and the governmental body:

(A) owns the information;

(B) has a right of access to the information; or

(C) spends or contributes public money for the purpose of writing, producing, collecting, assembling, or maintaining the information; or

(3) by an individual officer or employee of a governmental body in the officer's or employee's official capacity and the information pertains to official business of the governmental body.

Id. § 552.002(a). Virtually all information in a governmental body's physical possession constitutes public information that is subject to the Act. *Id.*; *see also* Open Records Decision Nos. 549 at 4 (1990), 514 at 1-2 (1988). Additionally, information is in connection with the transaction of official business if the information is created by, transmitted to, received by, or maintained by a person or entity performing official business or a government function on behalf of a governmental body and the information pertains to official business of the governmental body. *See* Gov't Code § 552.002(a-1).

The department informs us that in accordance with a federal grant, it has an agreement with the federal Bureau of Labor Statistics ("BLS") to collect "respondent data" on behalf of BLS for BLS to use in its statistical research. You inform us the responsive information is not collected, assembled, or maintained under a statute or ordinance "for" the department, but rather is collected on behalf of BLS pursuant to the federal grant. You inform us the information collected by the department on behalf of BLS "is sent back to BLS and is not maintained by [the department.]" You state the department has "no control or right of access to BLS information[.]" Based on your representations and our review, we determine the requested information is not public information for purposes of section 552.002 of the Government Code. Therefore, the requested information need not be provided in response to this request.

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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,

A handwritten signature in cursive script that reads "Lana L. Freeman".

Lana L. Freeman
Assistant Attorney General
Open Records Division

LLF/bhf

Ref: ID# 514872

Enc. Submitted documents

c: Requestor
(w/o enclosures)