



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

March 30, 2016

Ms. June B. Harden  
Assistant Attorney General  
Public Information Coordinator  
Office of the Attorney General  
P.O. Box 12548  
Austin, Texas 78711-2548

OR2016-07149

Dear Ms. Harden:

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# 603383 (PIR No. 16-43212).

The Office of the Attorney General (the "OAG") received a request for information pertaining to two specified complaints involving the requestor. You state the OAG will release some information. 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

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<sup>1</sup>We 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 that those records contain substantially different types of information than that submitted to this office.

[chapter 701 of the Insurance Code] may not release that information or material to the public.

(b) Information provided under [chapter 701] by an insurer to the insurance fraud unit [of the Texas Department of Insurance (the “department”)] 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). We understand the OAG is an authorized governmental agency for purposes of chapter 701. *See id.* § 701.001(1)(B) (definition of “authorized governmental agency” includes state law enforcement agency of Texas). The OAG informs us the submitted information was acquired by the department during the course of an investigation by its fraud unit. The OAG also informs us the records were forwarded to the OAG for further investigation. Therefore, we conclude the OAG possesses or received 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.<sup>2</sup>

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](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,



Paige Thompson  
Assistant Attorney General  
Open Records Division

PT/dls

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<sup>2</sup>As our ruling is dispositive, we need not address your argument against disclosure of the submitted information.

Ref: ID# 603383

Enc. Submitted documents

c: Requestor  
(w/o enclosures)