

1 AN ACT

2 relating to confidentiality of certain information maintained by  
3 the Texas Department of Insurance.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Chapter 36, Insurance Code, is amended by adding  
6 Subchapter E to read as follows:

7 SUBCHAPTER E. INVESTIGATION FILES

8 Sec. 36.251. DEFINITION. In this subchapter,  
9 "investigation file" means any information collected, assembled,  
10 or maintained by or on behalf of the department with respect to an  
11 investigation conducted under this code or other law. The term does  
12 not include information or material acquired by the department that  
13 is:

14 (1) relevant to an investigation by the insurance  
15 fraud unit; and

16 (2) subject to Section 701.151.

17 Sec. 36.252. INVESTIGATION FILES CONFIDENTIAL. (a)  
18 Information or material acquired by the department that is relevant  
19 to an investigation is not a public record for the period that the  
20 department determines is relevant to further or complete an  
21 investigation.

22 (b) Investigation files are not open records for purposes of  
23 Chapter 552, Government Code, except as specified herein.

24 Sec. 36.253. DISCLOSURE OF CERTAIN INFORMATION NOT

1 REQUIRED. The department is not required to disclose under this  
2 subchapter:

3 (1) information that is:

4 (A) an attorney-client communication; or

5 (B) an attorney work product; or

6 (2) other information protected by a recognized  
7 privilege, a statute, an administrative rule, the Texas Rules of  
8 Civil Procedure, or the Texas Rules of Evidence.

9 SECTION 2. This Act takes effect immediately if it receives  
10 a vote of two-thirds of all the members elected to each house, as  
11 provided by Section 39, Article III, Texas Constitution. If this  
12 Act does not receive the vote necessary for immediate effect, this  
13 Act takes effect September 1, 2009.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 4461 was passed by the House on May 5, 2009, by the following vote: Yeas 143, Nays 1, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 4461 on May 29, 2009, by the following vote: Yeas 143, Nays 0, 1 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 4461 was passed by the Senate, with amendments, on May 27, 2009, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor