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OR97-0290

Dear Ladies and Gentlemen:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your requests were assigned ID# 103444, ID# 103446, and ID# 103470.

The appraisal districts which you represent each received a request for various documents pertaining to the appraisals of several properties within each district. Specifically the requestor seeks:

1. The appraisals prepared by either the Appraisal District or its appraisal firm on the Properties.
2. The supporting data used by either the Appraisal District or its appraisal firm in preparing the appraisals.
3. All appraisal and assessment related information prepared by either the Appraisal District or its appraisal firm, including source documents, supporting data, workpapers[,] engineering drawings, flow charts and inventory detail sheets.
4. Documents containing the numbers and calculations the Appraisal District or its appraisal firm used to reach the appraised values, as well as other data that justifies the appraisals.

Each of you has informed us that the appraisals of the various properties were conducted by various outside appraisal firms, specifically, Pritchard & Abbott, Inc. ("Pritchard & Abbott"), Capitol Appraisal Group, Inc. ("Capitol"), and Thomas Y. Pickett & Co., Inc. ("Pickett"). See Tax Code § 25.01(b). The districts appear to have released some information to the requestor in response to this request.¹ With regard to the information responsive to items 3 and 4, you state that because the appraisals were actually conducted by Pritchard & Abbott, Capitol, or Pickett, and not by each district, the records coming within the ambit of items 3 and 4 were never possessed by each district, but rather these records were held exclusively by Pritchard & Abbott, Capitol, or Pickett, except to the extent that the part of item 4 relating to "[d]ocuments containing the numbers and calculations of the appraisal district used to reach the appraisal values" is incorporated into the inventory detail list, which has been supplied to the requestor for 1995. All of you claim that the information responsive to items 3 and 4 is not in each district's possession and that the information is also excepted from disclosure by section 552.101 of the Government Code. Some of you claim that the requested information is excepted from disclosure by sections 552.104 and 552.110 of the Government Code.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses information protected by other statutes. Section 25.01(c) of the Tax Code provides:

A contract for appraisal services for an appraisal district is invalid if it does not provide that copies of the appraisal, together with supporting data, must be made available to the appraisal district and such appraisals and supporting data shall be public records. *"Supporting data" shall not be construed to include personal notes, correspondence, working papers, thought processes, or any other matters of a privileged or proprietary nature.* [Emphasis added.]

We believe that the above emphasized language describes the types of information sought in items 3 and 4 of the open records request; *i.e.*, "source documents, . . ., workpapers[,] engineering drawings, flow charts and inventory detail sheets" and "documents containing the numbers and calculations the Appraisal District or its appraisal firm used to reach the appraised values" outside of the inventory detail sheets. An outside appraisal firm is not required to provide these types of information to the district. Open Records Decision No.

¹For those districts that have not released the appraisals and supporting data for 1996, we assume that the districts will release that information to the extent that it existed at the time each district received the request for information. Open Records Decision Nos. 476 (1987), 452 (1986) (document not within purview of act if, when governmental body receives request, document does not exist).

550 (1990) at n.2; *see* Tax Code § 22.27(a).² We therefore conclude that each district is not required to obtain these materials from Pritchard & Abbott, Capitol, or Pickett, as applicable, to comply with these requests.³

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



Stacy E. Sallee
Assistant Attorney General
Open Records Division

SES/ch

Ref.: ID# 103444
ID# 103446
ID# 103470

²Section 22.27(a) provides:

Rendition statements, real and personal property reports, and income and expense information related to a property filed with an appraisal office and information voluntarily disclosed to an appraisal office or the comptroller about real or personal property sales prices after a promise it will be held confidential are confidential and not open to public inspection. The statements and reports and the information they contain about specific real or personal property or a specific real or personal property owner and information voluntarily disclosed to an appraisal office about real or personal property sales prices after a promise it will be held confidential may not be disclosed to anyone other than an employee of the appraisal office who appraises property except as authorized by Subsection (b) of this section.

We conclude that the documents submitted by the Andrews County Appraisal District as Exhibit "D" in connection with ID# 103446 are excepted from disclosure under this provision, as they appear to be rendition statements voluntarily disclosed to an appraisal office after a promise that the information would be held confidential.

³As we are able to resolve these requests under section 552.101 of the Government Code, we do not now address the arguments made under sections 552.104 and 552.110.

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