



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 27, 2007

Ms. Deborah S. Cartwright
General Counsel
Bexar County Appraisal District
P.O. Box 830248
San Antonio, Texas 78283-0248

OR2007-08135

Dear Ms. Cartwright:

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#282335.

The Bexar County Appraisal District (the "district") received a request for the "entire appraisal roll for 2006 or 2007." You assert that the request constitutes a standing request with which the district need not comply.¹ Alternatively, we understand you to claim that the requested 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.²

¹We note that although you raise sections 552.221, 552.222, 552.225, and 552.268 of the Government Code, these provisions do not constitute exceptions to disclosure, and are procedural in nature. See Gov't Code § 552.301(a) (noting that exceptions to disclosure under the Act are found at subchapter C of chapter 552 of the Government Code).

²We assume that 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.

The district asserts that the request is ongoing and thus constitutes an improper standing request. Consequently, you argue that the district need not provide the requested information. This office has previously ruled that a governmental body need not honor a standing request. A “standing request” refers to a request to provide information “on a periodic basis,” *see* Open Records Decision No. 465 (1987); a weekly basis, *see* Open Records Decision No. 476 (1987); or to provide information that has not yet been recorded, *see* Open Records Decision No. 452 (1986).

You state that the requestor has informed the district that “the request is a one time, on-going request for appraisal cards and field review sheets.” You further inform this office that the requestor “does not want the request to be processed at one time, but instead stated that the information should be provided piecemeal in paper copy at his convenience.” You further state that “the requestor stated that he would not pay for any copying costs for the information, except as they are incurred piecemeal.” You claim that the request “is made so that the requestor may, at his convenience, provide a list of accounts . . . to a [d]istrict employee to make copies of the appraisal cards and field review sheets for those accounts immediately.” We further note that the requestor asks for a “standing open records request” in his request for information, with “delivery upon visit to [the district] offices throughout the year.” Based upon your representations and our review of the information at issue, we determine that the request for information constitutes a standing request. Consequently, the district is not required to comply with this request for information and need not release any information to the requestor in response to this request. Should the requestor ask for information relating to a specific account in the future, the district should seek a ruling from our office before withholding any information from the responsive documents.

This letter ruling is limited to the particular records 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 records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov’t Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, upon receiving this ruling, the governmental body

will either release the public records promptly pursuant to section 552.221(a) of the Government Code or file a lawsuit challenging this ruling pursuant to section 552.324 of the Government Code. If the governmental body fails to do one of these things, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at (877) 673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Dep't of Pub. Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.—Austin 1992. no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the Office of the Attorney General at (512) 475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,



Holly R. Davis
Assistant Attorney General
Open Records Division

HRD/eeg

Ref: ID# 282335

Enc. Submitted documents

c: Mr. Ramond Esquivel
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San Antonio, Texas 78212
(w/o enclosures)