



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 29, 2007

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

OR2007-11256

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# 288039.

The Bexar Appraisal District (the "district") received a request for specified appraisal files. You claim that a portion of the requested information is excepted from disclosure under section 552.148 of the Government Code. We have considered the exception you claim and reviewed the submitted information.¹

Initially, we understand that the district sought clarification from the requestor. *See Gov't Code § 552.222(b)* (stating that if information requested is unclear to governmental body or if large amount of information has been requested, governmental body may ask requestor to clarify or narrow request, but may not inquire into purpose for which information will be used). However, you assert that the requestor's amended request "lacks the specificity necessary to administer or process a request for public information." We note that a governmental body has a duty to make a good faith effort to relate a request for information

¹We 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.

to information that the governmental body holds. Open Records Decision No. 561 (1990). In this case, as you have submitted responsive information for our review and raised an exception to disclosure for this information, we consider the district to have made a good faith effort to identify information that is responsive to the request, and we will address the applicability of the claimed exception to the submitted information.

You claim that some of the submitted information is excepted from disclosure under section 552.148 of the Government Code.² Section 552.148 provides in relevant part, “[i]nformation relating to real property sales prices, descriptions, characteristics, and other related information received from a private entity by the comptroller or the chief appraiser of an appraisal district under Chapter 6, Tax Code, is excepted from the requirements of Section 552.021.” Gov’t Code § 552.148(a). You state that some of the submitted information consists of real property sales information obtained from private entities such as CoStar, Capital Appraisal, Marshall & Swift, Multiple Listing Services, and Pritchard & Abbott. You do not inform us that the district is authorized to release this information to the requestor. *See id.* § 552.148(b) (providing property owner or owner’s agent access to certain information). Therefore, to the extent that the submitted information consists of real property sales information obtained from private entities, we conclude that the district must withhold such information under section 552.148 of the Government Code. To the extent the submitted information does not consist of real property sales information obtained from private entities, then such information may not be withheld under section 552.148 of the Government Code, and must be released to the requestor.

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

²Act of May 21, 2007, 80th Leg., R.S., H.B. 2188 (to be codified at Gov’t Code § 552.148) (effective immediately).

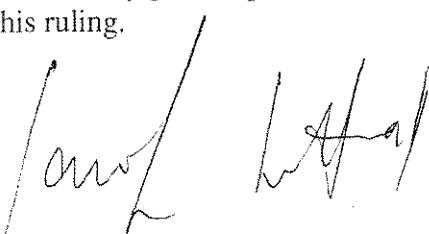
statute, the attorney general expects that, upon receiving this ruling, the governmental body will either release the public records promptly pursuant to section 552.221(a) of the Government Code or file a lawsuit challenging this ruling pursuant to section 552.324 of the Government Code. If the governmental 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,



Jennifer Luttrall
Assistant Attorney General
Open Records Division

JL/eeg

Ref: ID# 288039

Enc. Submitted documents

c: Ms. Susan K. Stone
Creative Data Consulting
P.O. Box 142312
Austin, Texas 78714-2312
(w/o enclosures)