



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 9, 2007

Mr. Christopher S. Jackson
Perdue, Brandon, Fielder, Collins & Mott LLP
For Grayson Central Appraisal District
3301 Northland Drive, Suite 505
Austin, Texas 78731

OR2007-13145

Dear Mr. Jackson:

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# 290020.

The Grayson Central Appraisal District (the "district"), which you represent, received a request for "documentation relating to each and every account on [district] tax rolls pertaining to [private boat docks] on Lake Texoma for tax year 2007." You claim that the submitted information is excepted from disclosure under section 552.101 of the Government Code. You also believe that this request for information may implicate the interests of the Army Corps of Engineers (the "Corps"). You notified the Corps of this request and of its right to submit arguments to this office as to why the requested information should not be released.¹ The Corps has submitted a brief in which it claims an exception to disclosure. We have considered the submitted arguments and have reviewed the submitted information.²

¹See Gov't Code § 552.305(d); Open Records Decision No. 542 (1990) (statutory predecessor to Gov't Code § 552.305 permitted governmental body to rely on interested third party to raise and explain applicability of exception to disclosure under certain circumstances).

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.

Section 552.101 of the Government Code exempts from disclosure “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.” Gov’t Code § 552.101. This exception encompasses information that other statutes make confidential. You raise section 552.101 in conjunction with section 22.27 of the Tax Code, which provides in part:

(a) Rendition statements, real and personal property reports, attachments to those statements and reports, and other information the owner of property provides to the appraisal office in connection with the appraisal of the property, including 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.

Tax Code § 22.27(a). You state that the information at issue was obtained from the property owner, the Corps, in connection with the district’s appraisal of Lake Texoma. You explain that the information obtained from the Corps relates to boat slips which are on the Corps’ property, Lake Texoma, under permits issued by the Corps. You further state that this information was provided voluntarily pursuant to a promise of confidentiality. Based on your representations and our review, we find that section 552.101 is applicable here. Accordingly, the district must withhold the submitted information under section 552.101 of the Government Code in conjunction with section 22.27 of the Tax Code.³ As our ruling is dispositive, we need not address your remaining arguments against disclosure.

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

³Pursuant to section 552.023(c) of the Government Code, on September 24, 2007, this office sent a notice to the district via facsimile requesting that it provide further information regarding the applicability of section 22.27 of the Tax Code. See Gov’t Code § 552.303(c) providing that attorney general may give written notice to a governmental body that additional information is necessary to render a decision. The district responded on October 1, 2007.

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,



Henisha D. Anderson
Assistant Attorney General
Open Records Division

HDA/jb

Ref: ID# 290020

Enc. Submitted documents

c: Mr. Addison Terry
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