



ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

February 11, 2009

Mr. Joseph T. Longoria
Perdue, Brandon, Fielder, Collins & Mott, L.L.P.
1235 North Loop West, Suite 600
Houston, Texas 77008

OR2009-01815

Dear Mr. Longoria:

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# 334685.

The Collin County Appraisal District (the "district"), which you represent, received a request for ownership, mailing, and situs information pertaining to a specified parcel of property. You 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.¹

Initially, we note that the requestor seeks only the "ownership, mailing, and situs information" of the property at the specified legal description. Accordingly, we conclude that only the ownership, mailing, and situs information, and none of the remaining information on the submitted document, is responsive to the request. This ruling does not address the public availability of any of the remaining non-responsive information that is not responsive to the request, and the district need not release that information in response to this request.

Section 552.101 of the Government Code excepts from public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. Section 552.101 encompasses information protected by other statutes. Section 25.025 of the Tax Code states, in pertinent part:

(a) This section applies only to:

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.

(1) a current or former peace officer as defined by Article 2.12, Code of Criminal Procedure;

(b) Information in appraisal records under Section 25.02 is confidential and is available only for the official use of the appraisal district, this state, the comptroller, and taxing units and political subdivisions of this state if:

(1) the information identifies the home address of a named individual to whom this section applies; and

(2) the individual chooses to restrict public access to the information on the form prescribed for that purpose by the comptroller under Section 5.07.

(c) A choice made under Subsection (b) remains valid until rescinded in writing by the individual.

(d) This section does not prohibit the public disclosure of information in appraisal records that identifies property according to an address if the information does not identify an individual who has made an election under Subsection (b) in connection with the individual's address.

Tax Code § 25.025. Section 25.02 of the Tax Code prescribes the information that must be contained within appraisal records. *See id.* § 25.02. This information includes the name and address of the owner of the property. *See id.* § 25.02(a)(1).

We agree that the submitted document contains the information required for an appraisal record under section 25.02 of the Tax Code. Thus, we conclude that the submitted document consists of an appraisal record for purposes of section 25.025(b) of the Tax Code. You inform us that the owner of the specified parcel of property is a peace officer. You state, and provide documentation showing, that prior to the district's receipt of the instant request, the officer filed a request for confidentiality with the district and that the request for confidentiality has not been revoked. We understand that the request for confidentiality was on the form prescribed for that purpose by the comptroller under section 5.07 of the Tax Code. Thus, pursuant to subsection (b), the property owner's home address is confidential.

However, in this instance, the requestor has provided the legal description of the property and seeks both the owner's name and address.² We note that section 25.025(d) provides

²We note that the "situs information" on the submitted document consists of the street address of the property at issue.

section 25.025 “does not prohibit the public disclosure of information in appraisal records that identifies property according to an address if the information does not identify an individual who has made an election under Subsection (b) in connection with the individual’s address.” The appraisal record you have submitted identifies the individual who has made an election under subsection (b) as well as that individual’s home address. Accordingly, when read together, we conclude that subsections (b) and (d) require that the name of the property owner at issue, as well as the property owner’s home address, be withheld in order to safeguard the privacy interests that subsection (b) was designed to protect. Therefore, we conclude that the district must withhold the name of the property owner and the property owner’s home address from the submitted document under section 552.101 of the Government Code in conjunction with section 25.025(b) of the Tax Code.

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

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General’s Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,



Matt Entsminger
Assistant Attorney General
Open Records Division

MRE/jb

Ref: ID# 334685

Enc. Submitted documents

cc: Requestor
(w/o enclosures)