



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 27, 2009

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

OR2009-05525

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# 340968.

The Collin County Appraisal District (the "district"), which you represent, received a request for the confidentiality application for the requestor's property and any documents regarding the requestor's property mailed between August 2007 and January 2009. You claim Exhibit B 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 address whether Exhibit A, the confidentiality application for the property at issue, is responsive to the request. Although the district explains "[Exhibit B] is a sample of the information that the District seeks to withhold," we note the requestor specifically asks for the confidentiality application for the property at issue also. Accordingly, upon review, we conclude Exhibit A is responsive to the request. Thus, we will address the applicability of the district's argument against disclosure for Exhibits A and B.

¹We assume 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 those records contain substantially different types of information than that submitted to this office.

Section 552.101 of the Government Code exempts 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, such as section 25.025 of the Tax Code. Section 25.025 states, in pertinent part:

(a) This section applies only to:

...

(5) a victim of family violence as defined by Section 71.004, Family Code, if as a result of the act of family violence against the victim, the actor is convicted of a felony or a Class A misdemeanor[.]

...

(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).

Section 25.025 makes confidential certain information in appraisal records. Therefore, we must determine whether Exhibits A and B are appraisal records. We understand the request for confidentiality was on the form prescribed for that purpose by the comptroller under section 5.07(a) of the Tax Code. Section 5.07 states, in pertinent part:

- (a) The comptroller shall prescribe the contents of all forms necessary for the administration of the property tax system[.]

Id. § 5.07(a). As the request for confidentiality was on the form prescribed for that purpose by the comptroller under section 5.07(a), and section 5.07(a) pertains to forms necessary for the administration of the property tax system, we find Exhibit A consists of an appraisal record for purposes of section 25.025(b) of the Tax Code. Furthermore, we agree Exhibit B contains the information required for an appraisal record under section 25.02 of the Tax Code. Thus, we conclude Exhibit B consists of an appraisal record for purposes of section 25.025(b) of the Tax Code.

You seek to withhold the information under section 552.101 of the Government Code in conjunction with section 25.025(b) of the Tax Code. You state a family violence victim has identified herself as an owner of the property at issue. The victim has filed a request for confidentiality with the district, and the request for confidentiality has not been revoked. However, you further inform us the owner of the property at issue as listed on the district's appraisal roll is the requestor. Section 25.195 of the Tax Code states, in pertinent part:

- (a) After the chief appraiser has submitted the appraisal records to the appraisal review board as provided by Section 25.22(a), a property owner or the owner's designated agent is entitled to inspect and copy the appraisal records relating to property of the property owner, together with supporting data, schedules, and, except as provided by Subsection (b), any other material or information held by the chief appraiser or required by Section 25.01(c) to be provided to the appraisal district under a contract for appraisal services, including material or information obtained under Section 22.27, that is obtained or used in making appraisals for the appraisal records relating to that property.

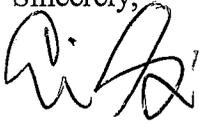
Id. § 25.195(a). Section 25.195(a) grants a property owner a specific right of access to appraisal records relating to the property of the property owner. The requestor is the homeowner of the residential property at issue. Therefore, pursuant to section 25.195, he has a right of access to the appraisal records pertaining to his property. Thus, the district cannot withhold the requested information under section 552.101 of the Government Code in conjunction with section 25.025(b) of the Tax Code, and must release it to the requestor.

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,



Emily Sitton
Assistant Attorney General
Open Records Division

EBS/rl

Ref: ID# 340968

Enc. Submitted documents

c: Requestor
(w/o enclosures)