



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

August 25, 2009

Mr. William P. Durland  
Litigation Manager  
Bexar Appraisal District  
P.O. Box 830248  
San Antonio, Texas 78283-0248

OR2009-11963

Dear Mr. Durland:

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# 353469.

The Bexar Appraisal District (the "district") received a request for information relating to the Regency Recreation Club for a specified time interval.<sup>1</sup> You indicate that some of the requested information either has been or will be released. You claim that other responsive information is excepted from disclosure under sections 552.101, 552.130, and 552.137 of the Government Code. We have considered the exceptions you claim and reviewed the information you submitted.<sup>2</sup> We also have reviewed the correspondence you submitted that the district received from the requestor.<sup>3</sup>

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<sup>1</sup>You inform us that the district requested and received clarification of this request. *See* Gov't Code § 552.222(b) (governmental body may communicate with requestor for purpose of clarifying or narrowing request for information).

<sup>2</sup>This letter ruling assumes that the submitted representative sample of information is truly representative of the requested information as a whole. This ruling neither reaches nor authorizes the district to withhold any information that is substantially different from the submitted information. *See* Gov't Code §§ 552.301(e)(1)(D), .302; Open Records Decision Nos. 499 at 6 (1988), 497 at 4 (1988).

<sup>3</sup>*See* Gov't Code § 552.304 (any person may submit written comments stating why information at issue in request for attorney general decision should or should not be released).

Section 552.101 of the Government Code excepts from disclosure “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.” Gov’t Code § 552.101. This section 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) (emphasis added). You state that the district obtained the submitted information that it seeks to withhold under section 22.27 in connection with an application for miscellaneous property tax exemptions. Thus, you do not inform us that any of the information in question was provided to the district by an owner of property in connection with an appraisal of the property. *See id.* Moreover, you do not indicate that any of the information in question was voluntarily disclosed to the district after a promise that the information would be held confidential. *Id.* We note that an applicant for a tax exemption must generally furnish the information necessary to determine the validity of an exemption claim. *See id.* § 11.43(f). Having considered your arguments, we find that you have not demonstrated that any of the information in question falls within the scope of section 22.27(a) of the Tax Code. We therefore conclude that the district may not withhold any of the submitted information under section 552.101 of the Government Code in conjunction with section 22.27.

You also raise section 552.130 of the Government Code, which excepts from disclosure information relating to a motor vehicle operator’s or driver’s license or permit issued by an agency of this state. *See* Gov’t Code § 552.130(a)(1). We agree that the district must withhold the Texas driver’s license number you have highlighted under section 552.130.

Lastly, we address your claim under section 552.137 of the Government Code. This exception provides that “an e-mail address of a member of the public that is provided for the purpose of communicating electronically with a governmental body is confidential and not subject to disclosure under [the Act],” unless the owner of the e-mail address has

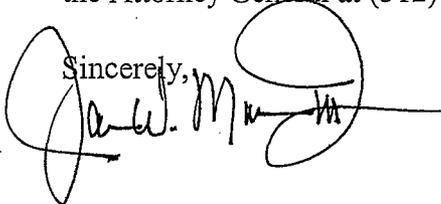
affirmatively consented to its public disclosure. *Id.* § 552.137(a)-(b). The types of e-mail addresses listed in section 552.137(c) may not be withheld under this exception. *See id.* § 552.137(c). Likewise, section 552.137 is not applicable to an institutional e-mail address, an Internet website address, or an e-mail address that a governmental entity maintains for one of its officials or employees. We have marked a personal e-mail address that the district must withhold under section 552.137, unless the owner of the e-mail address has affirmatively consented to its public disclosure. We note that the other e-mail address the district seeks to withhold is maintained by a governmental entity for one of its employees. As such, that e-mail address does not fall within the scope of section 552.137(a) and may not be withheld under this exception.

In summary: (1) the district must withhold the Texas driver's license number you have highlighted under section 552.130 of the Government Code; and (2) the e-mail address we have marked must be withheld under section 552.137 of the Government Code, unless the owner of the e-mail address has affirmatively consented to its public disclosure. The rest of the submitted information must be released.

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](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,

A handwritten signature in black ink, appearing to read "James W. Morris, III", with a large, stylized flourish at the end.

James W. Morris, III  
Assistant Attorney General  
Open Records Division

JWM/cc

Ref: ID# 353469

Enc: Submitted documents

c: Requestor  
(w/o enclosures)