



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 28, 2010

Michael B. Gary
Assistant General Counsel
Harris County Appraisal District
P.O. Box 920975
Houston, Texas 77292-0975

OR2010-06038

Dear Mr. Gary:

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# 377399.

The Harris County Appraisal District (the "district") received a request for "2009 tonnage information" pertaining to 40 specified pipestock accounts. You claim that the requested information is excepted from disclosure under section 552.101 of the Government Code. You also state that the information at issue may contain proprietary information of third parties subject to exception under the Act.¹ Accordingly, you provide documentation showing that the district notified these third parties of the request for information and of their

¹The third parties are Amerada Hess Corporation Offshore; Anadarko Petroleum Corporation; Bakersfield; B H P Petroleum; BP America Production Company; BP Trinidad & Tobago L.L.C.; Champions Pipe & Supply Incorporated; Cinco Pipe & Supply, L.P.; Crest Resources; Devon Energy Production Co. L.P.; ExxonMobil Production Company; J D Rush, Inc.; Mariner Energy; Marubeni-Itochu Tubulars America Inc.; Midland Pipe Corporation; Petrohawk Energy Corporation; Petroleum Pipe Middle East (FZE); Pipeco Services; Premier Pipe L.L.C.; Pyramid Tubular Corporation; Pyramid Tubular Products Inc.; Red Willow Production L.L.C.; Republic Supply International; Salzgitter Mannesmann International; Samson Resources; Shell Offshore; Shell Western E & P; Sooner Pipe, Inc.; Stonegate Production Company; Sumitomo Corporation of America; Texan Tubular Sales L.P.; Vallourec & Mannesmann USA Corporation; and X T O Energy.

right to submit arguments to this office as to why the submitted information should not be released. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 (1990) (statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in the Act in certain circumstances). One of the third parties, Vallourec & Mannesmann USA Corporation, has responded to this notice. The requestor has also submitted comments to this office. *See* Gov't Code § 552.304 (interested party may submit written comments concerning disclosure of requested information). We have considered the submitted arguments and reviewed the submitted representative sample of information.²

Initially, we address the requestor's argument that the district misinterpreted his request for information. The requestor asserts the requested information is contained in documents created by the district. However, in this instance, the district has submitted to this office a representative sample of information provided to the district by property owners. We note that a governmental body must make a good-faith effort to relate a request to information held by the governmental body. *See* Open Records Decision No. 561 at 8 (1990). We assume that the district has made a good-faith effort to relate the request to information held by the district. Therefore, we will address the submitted arguments against disclosure of the information represented by the submitted documents.

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 protected by other statutes, such as section 22.27 of the Tax Code, which states in pertinent 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

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.

appraisal office who appraises property except as authorized by Subsection (b) of this section.

(b) Information made confidential by this section may be disclosed:

(6) if and to the extent the information is required to be included in a public document or record that the appraisal office is required to prepare or maintain[.]

Tax Code § 22.27(a), (b)(6). You state the information at issue is “a [district] form used by property owners for the rendition of business personal property.” You further state the information at issue was provided to the district in connection with the appraisal of property under a promise of confidentiality. Based on your representations and our review, we find the information at issue is generally confidential under section 22.27(a) of the Tax Code. However, the requestor claims the information at issue is subject to release under section 22.27(b)(6). The requestor asserts that if the district conducts an “equity study” and uses a certain appraisal method, then the information at issue would be transferred to internal district records to derive the results. However, the requestor does not explain, nor are we able to determine, that the information at issue is required to be included in a public document or record that the district is required to prepare or maintain. Furthermore, the district states that the information at issue “does not fall within one of the permissible reasons for disclosure listed in [s]ubsection (b) of [s]ection 22.27.” Based on the submitted arguments and our review of the submitted documents, we find that we have no information to allow us to conclude any exception to confidentiality found in section 22.27(b) is applicable to the information at issue. Therefore, the district must withhold the information at issue under section 552.101 of the Government Code in conjunction with section 22.27(a) of the Tax Code.³

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

³As our ruling is dispositive, we need not address Vallourec & Mannesmann USA Corporation’s arguments against disclosure.

information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Christopher D. Sterner
Assistant Attorney General
Open Records Division

CDSA/eeg

Ref: ID# 377399

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Amerada Hess Corp Offshore
P. O. Box 2040
Houston, Texas 77252
(w/o enclosures)

Midland Pipe Corporation
P.O. Box 8470
Metairie, Louisiana 70011
(w/o enclosures)

BP Trinidad & Tobago LLC
P. O. Box 3092
Houston, Texas 77253
(w/o enclosures)

Petrohawk Energy Corporation
1100 Louisiana Street, suite 5600
Houston, Texas 77002
(w/o enclosures)

Pyramid Tubular Corporation
2 Northpoint Drive, Suite 610
Houston, Texas 77060
(w/o enclosures)

Cinco Pipe & Supply LP
333 North Sam Houston Parkway, Suite E
Houston, Texas 77060
(w/o enclosures)

Crest Resources
15 East 5th Street, Suite 3650
Tulsa, Oklahoma 74103
(w/o enclosures)

Republic Supply International
5646 Milton Street, Suite 850
Dallas, Texas 75206
(w/o enclosures)

J D Rush, Inc.
2 Northpoint Drive, Suite 150
Houston, Texas 77060
(w/o enclosures)

Samson Resources
2 West 2nd Street, Suite 1800
Tulsa, Oklahoma 74103
(w/o enclosures)

Sooner Pipe, Inc.
P.O. Box 1530
Tulsa, Oklahoma 74101
(w/o enclosures)

Stonegate Production Company
952 Echo Lane, Suite 400
Houston, Texas 77024
(w/o enclosures)

XTO Energy
6141 Paluxy Drive
Tyler, Texas 75703
(w/o enclosures)

Shell Offshore
P.O. Box 4854
Houston, Texas 77210
(w/o enclosures)

ExxonMobil Productions Co.
P.O. Box 53
Houston, Texas 77001
(w/o enclosures)

Shell Western E&P
P.O. Box 4369
Houston, Texas 77210
(w/o enclosures)

Salzgitter Mannesmann International
1770 St. James Place, Suite 500
Houston, Texas 77056
(w/o enclosures)

Mariner Energy
2000 West Belt Parkway S, Suite 2000
Houston, Texas 77042
(w/o enclosures)

Vallourec & Mannesmann Tubes
4424 W Sam Houston Parkway, Suite 150
Houston, Texas 77041
(w/o enclosures)

Anadarko Petroleum Corporation
P.O. Box 1330
Houston, Texas 77251
(w/o enclosures)

Champions Pipe & Supply Incorporated
2 Northpoint Drive, Suite 800
Houston, Texas 77060
(w/o enclosures)

B H P Petroleum
1360 Post Oak Boulevard, Suite 150
Houston, Texas 77056
(w/o enclosures)

Marubeni-Itochu Tubulars America, Inc
580 Westlake Park Boulevard, Suite 1750
Houston, Texas 77079
(w/o enclosures)

Premier Pipe LLC
654 N Sam Houston Pkwy East, Suite 200
Houston, Texas 77060
(w/o enclosures)

Pipeco Services
2033 State Hwy 249, Suite 470
Houston, Texas 77070
(w/o enclosures)

Bakersfield
P.O. Box 639
Bakersfield, California 93302
(w/o enclosures)

BP American Productions Co
P.O. Box 3092
Houston, Texas 77253
(w/o enclosures)

Exxon Mobil Corp
P.O. Box 53
Houston, Texas 77001
(w/o enclosures)

Sumitomo Corp of America
600 Third Avenue
New York, New York 10016
(w/o enclosures)

Petroleum Pipe Middle East (FZE)
P. O. Box 17319 / LOB NO 14 OFFICE NO 328
JEBEL ALI DUBAI
UAE
(w/o enclosures)

Pyramid Tubular Products Inc.
2 Northpoint Drive, Suite 610
Houston, Texas 77060
(w/o enclosures)

Texas Tubular Sales, LP
10333 Richmond Avenue, Suite 1030
Houston, Texas 77042
(w/o enclosures)

Devon Energy Production Co LP
1200 Smith Street
Houston, Texas 77002
(w/o enclosures)

Red Willow Productions LLC
14933 Highway 172
Ignacio, Colorado 81137
(w/o enclosures)