



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

December 6, 2013

Ms. Sharon Coffee Baxter  
Senior Litigation Attorney  
Travis Central Appraisal District  
P.O. Box 149012  
Austin, Texas 78714-9012

OR2013-21270

Dear Ms. Baxter:

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# 507801.

The Travis County Appraisal District (the "district") received a request for commercial or rendition information for the appraisal cards of seven specified categories of properties. You state you have made some information available to the requestor. You claim the remaining requested information is excepted from disclosure under section 552.101 of the Government Code. You also believe the remaining information may implicate the proprietary interests of third parties. You inform us the interested parties were notified of the present request for information and of their right to submit arguments to this office as to why the information at issue should not be released.<sup>1</sup> We received correspondence from nine interested parties. We also received comments from the requestor.<sup>2</sup> We have considered all of the submitted arguments and reviewed the submitted representative sample of information.<sup>3</sup>

Initially, we address the requestor's contention that the district failed to timely request a ruling. Pursuant to section 552.301(b), the governmental body must ask for the attorney

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<sup>1</sup>See 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).

<sup>2</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).

<sup>3</sup>We 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.

general's decision and state the exceptions that apply within ten business days after receiving the request. *See* Gov't Code § 552.301(b). Pursuant to section 552.301(e) of the Government Code, the governmental body is required to submit to this office within fifteen business days of receiving the request (1) general written comments stating the reasons why the stated exceptions apply that would allow the information to be withheld, (2) a copy of the written request for information, (3) a signed statement or sufficient evidence showing the date the governmental body received the written request, and (4) a copy of the specific information requested or representative samples, labeled to indicate which exceptions apply to which parts of the documents. *See id.* § 552.301(e). The requestor contends the district received prior requests for the same information. Whether or not a proper request for the information at issue was previously made to the district is a question of fact. This office is unable to resolve disputes of fact in the open records ruling process. Accordingly, we must rely upon the facts alleged to us by the governmental body requesting our opinion, or upon those facts that are discernable from the documents submitted for our inspection. *See* Open Records Decision No. 522 at 4 (1990). The district represents it received the instant request on September 18, 2013, and submitted the information required by section 552.301 and requested a ruling from our office on October 1, 2013. Based on the district's representations and our review, we find the district complied with section 552.301 of the Government Code in requesting this decision, and we will consider its claims for the information at issue.

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. Section 22.27 of the Tax Code provides the following:

(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.

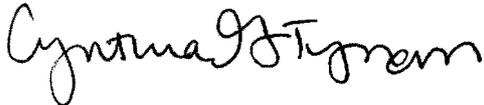
Tax Code § 22.27(a). You state the district is an "appraisal office" for the purposes of section 22.27(a). You state the submitted information was taken from rendition forms which were provided to the district by the property owners in connection with the appraisal of their properties. You also state the information was provided to the district under the promise of confidentiality. Based on these representations and our review, we find the information is

confidential under section 22.27(a) of the Tax Code. Therefore, the submitted information must be withheld under section 552.101 of the Government Code in conjunction with section 22.27(a) of the Tax Code. As our ruling is dispositive, we need not address the remaining arguments against disclosure of this information.

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.texasattorneygeneral.gov/open/orl\\_ruling\\_info.shtml](http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml), 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Cynthia G. Tynan  
Assistant Attorney General  
Open Records Division

CGT/akg

Ref: ID# 507801

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

c: 1,572 Third Parties  
c/o Sharon Coffee Baxter  
Travis Central Appraisal District  
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Austin, Texas 78714-9012

Mr. Chris Schulz  
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