



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 15, 2014

Mr. Robert "Bobby" Preisler
Legal Counsel
Harris County Appraisal District
P.O. Box 920975
Houston, Texas 77292-0975

OR2014-16264

Dear Mr. Preisler:

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# 536089 (HCAD Ref. #14-2314).

The Harris County Appraisal District (the "district") received a request for the vehicle identification number ("VIN") for a specified motor vehicle. The district claims the submitted information is excepted from disclosure under sections 552.101 and 552.130 of the Government Code.¹ We have considered the exceptions the district claims and reviewed the submitted information.

Initially, we note, with the exception of the VIN at issue, the submitted information is not responsive to the instant request for information because it does not consist of the requested VIN. This ruling does not address the public availability of non-responsive information, and the district is not required to release non-responsive information in response to this request.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision."

¹We note, and the district acknowledges, it did not comply with section 552.301 of the Government Code in requesting this decision. *See* Gov't Code § 552.301(b), (e). Nevertheless, because the exceptions the district claims can provide compelling reasons to overcome the presumption of openness, we will consider the district's claimed exceptions for the submitted information. *See id.* §§ 552.007, .302, .352.

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.

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

...

(2) to the person who filed the statement or report or the owner of property subject to the statement, report, or information or to a representative of either authorized in writing to receive the information[.]

Tax Code § 22.27(a), (b)(2). We understand the district is an "appraisal office" for purposes of section 22.27(a) of the Tax Code. The district states the responsive information was received as part of information rendered to the district by a property owner pursuant to section 22.27(a). Accordingly, we find the responsive information is confidential under section 22.27(a). However, a property owner or the owner's designated agent has a right of access to information that is confidential under section 22.27(a). *See* Attorney General Opinion JC-0424 (2001). In this instance, the requestor may be the authorized representative of the owner of the account at issue and, therefore, may have a right of access to the responsive information that would otherwise be confidential under section 22.27. *See* Tax Code § 22.27(b)(2). Thus, if the requestor does not provide the requisite written authorization under section 22.27(b)(2), then the district must withhold the responsive information under section 552.101 of the Government Code in conjunction with section 22.27(a). However, if the requestor provides the requisite written authorization pursuant to section 22.27(b)(2), the district may not withhold the responsive information from this requestor under section 552.101 on that basis. In that instance, we will consider the district's argument under section 552.130 of the Government Code.

Section 552.130 of the Government Code provides information relating to a motor vehicle operator's license, driver's license, motor vehicle title or registration, or personal identification document issued by an agency of this state or another state or country is excepted from public release. *See* Gov't Code § 552.130(a). We note section 552.130 protects privacy interests. In the event the requestor is the authorized representative of the owner of the property at issue, then she also has a special right of access to the motor vehicle record information of the owner she represents pursuant to section 552.023 of the Government Code. *See id.* § 552.023(a) (person or person's authorized representative has special right of access, beyond the right of general public, to information held by governmental body that relates to person and is protected from public disclosure by laws intended to protect person's privacy interests); Open Records Decision No. 481 at 4 (1987). In that case, the district may not withhold the responsive information under section 552.130 of the Government Code.

In summary, if the requestor does not provide the requisite written authorization under section 22.27(b)(2) of the Tax Code, then the district must withhold the responsive information under section 552.101 of the Government Code in conjunction with section 22.27(a) of the Tax Code. If the requestor provides the requisite written authorization pursuant to section 22.27(b)(2) of the Tax Code, the district must release the responsive information 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.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,



David L. Wheelus
Assistant Attorney General
Open Records Division

DLW/bhf

Ref: ID# 536089

Enc. Submitted documents

c: Requestor
(w/o enclosures)