



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 14, 2014

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

OR2014-18264

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# 540260.

The Travis County Appraisal District (the "district") received a request for certain information pertaining to a named neighborhood.¹ You state the district provided some of the requested information to the requestor. You claim some of the submitted information is excepted from disclosure under sections 552.101 and 552.149 of the Government Code. We have considered the exceptions you claim and reviewed the submitted representative sample of information.²

¹You state the district sought and received clarification of the information requested. *See* Gov't Code § 552.222 (providing if request for information is unclear, governmental body may ask requestor to clarify request); *see also City of Dallas v. Abbott*, 304 S.W.3d 380, 387 (Tex. 2010) (holding that when a governmental entity, acting in good faith, requests clarification or narrowing of an unclear or overbroad request for information, the ten-day period to request an attorney general ruling is measured from the date the request is clarified or narrowed).

²We 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 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 appraisal office who appraises property except as authorized by Subsection (b) of this section.

Tax Code § 22.27(a). You argue some of the submitted information is confidential under section 22.27(a). You indicate the district is an appraisal office for purposes of section 22.27. You state the information at issue was “voluntarily disclosed to the appraisal office about real or personal property sales prices.” You do not indicate any of the exceptions in section 22.27(b) apply in this instance. *See id.* § 22.27(b). You explain the sales price information at issue was submitted under a promise of confidentiality. However, you do not inform us whether the information you seek to withhold was provided by property owners. Thus, we must rule conditionally. To the extent the sales price information you seek to withhold was provided by property owners in connection with an appraisal under a promise of confidentiality, the district must withhold such information under section 552.101 of the Government Code in conjunction with section 22.27(a) of the Tax Code. Additionally, to the extent any of the remaining information at issue was provided by property owners in connection with an appraisal, the district must withhold such information under section 552.101 of the Government Code in conjunction with section 22.27(a) of the Tax Code. However, to the extent the information at issue was not provided by property owners in connection with an appraisal, the information is not confidential under section 22.27(a) of the Tax Code and may not be withheld under section 552.101 of the Government Code on that basis.

You also claim the information you seek to withhold is excepted from disclosure under section 552.149 of the Government Code, which provides, in relevant part:

(a) Information relating to real property sales prices, descriptions, characteristics, and other related information received from a private entity by the comptroller or the chief appraiser of an appraisal district under Chapter 6, Tax Code, is excepted from the requirements of [the Act].

(b) Notwithstanding Subsection (a), the property owner or the owner's agent may, on request, obtain from the chief appraiser of the applicable appraisal district a copy of each item of information described by Section 41.461 (a)(2), Tax Code, and a copy of each item of information that the chief appraiser took into consideration but does not plan to introduce at the hearing on the protest. In addition, the property owner or agent may, on request, obtain from the chief appraiser comparable sales data from a reasonable number of sales that is relevant to any matter to be determined by the appraisal review board at the hearing on the property owner's protest[.]

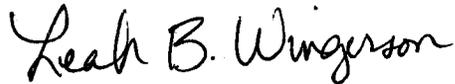
Gov't Code § 552.149(a)-(b). Subsections 552.149(a) and (b) are limited to those counties having a population of 50,000 or more. *Id.* § 552.149(e). We note Travis County has a population of 50,000 or more. You indicate the information at issue includes information obtained from private entities. Therefore, to the extent the information you seek to withhold relates to real property sales prices, descriptions, characteristics, and other related information that was provided to the district by private entities, the district must withhold the information under section 552.149(a) of the Government Code. Conversely, to the extent the information at issue does not relate to real property sales prices, descriptions, characteristics, and other related information or was not provided to the district by private entities, it is not confidential under section 552.149(a) and it may not be withheld on that basis.

In summary, to the extent any of the sales price information you seek to withhold was provided by property owners in connection with an appraisal under a promise of confidentiality, the district must withhold such information under section 552.101 of the Government Code in conjunction with section 22.27 of the Tax Code. To the extent any of the remaining information you seek to withhold was provided by property owners in connection with an appraisal, the district must withhold such information under section 552.101 of the Government Code in conjunction with section 22.27(a) of the Tax Code. To the extent the information you seek to withhold relates to real property sales prices, descriptions, characteristics, and other related information that was provided to the district by private entities, the district must withhold the information under section 552.149(a) of the Government Code. The district must release any remaining 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, 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,

A handwritten signature in black ink that reads "Leah B. Wingerson". The signature is written in a cursive, flowing style.

Leah B. Wingerson
Assistant Attorney General
Open Records Division

LBW/eb

Ref: ID# 540260

Enc. Submitted documents

c: Requestor
(w/o enclosures)