



January 9, 2015

Mr. James R. Evans, Jr.  
Counsel for the Cameron Appraisal District  
Hargrove & Evans, L.L.P.  
Building 3, Suite 400  
4425 Mopac South  
Austin, Texas 78735

OR2015-00414

Dear Mr. Evans:

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# 549654.

The Cameron County Appraisal District (the "district"), which you represent, received a request for specified types of appraisal records pertaining to specified property since January 1, 2008.<sup>1</sup> The district claims the requested information is excepted from disclosure under sections 552.101 and 552.149 of the Government Code. We have considered the claimed exceptions and reviewed the submitted representative sample of information.<sup>2</sup>

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<sup>1</sup>You inform us, in response to the requestor's request for information, the district sent the requestor an estimate of charges pursuant to section 552.2615 of the Government Code. *See* Gov't Code § 552.2615. The estimate of charges required the requestor to provide a deposit for payment of anticipated costs under section 552.263 of the Government Code. *See id.* § 552.263(a). You state the district received the deposit on November 10, 2014. *See id.* § 552.263(e) (if governmental body requires deposit or bond for anticipated costs pursuant to section 552.263, request for information is considered to have been received on date that governmental body receives deposit or bond).

<sup>2</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.

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(a) 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). We understand the district is an “appraisal office” for purposes of section 22.27(a). You state Exhibit C in the documents submitted on October 30, 2014, and Exhibit C in the documents submitted on November 21, 2014, consist of information furnished to the district by property owners in connection with the appraisal of the owners’ property and were obtained under a promise of confidentiality. You inform us Exhibit D in the documents submitted on October 30, 2014, and Exhibits B and D in the documents submitted on November 21, 2014, consist of ““other information the owner of property provides to the appraisal office in connection with the appraisal of the property’ and [are] not information about sale prices.” In addition, you represent Exhibit D in the documents submitted on November 21, 2014, consists of a rendition statement that was provided to the district by a property owner in connection with the appraisal of property. You assert, in accordance with the language of subsection 22.27(a), sales information is confidential under a promise of confidentiality, but the other information described in that subsection is confidential regardless of whether it was obtained pursuant to such a promise. Therefore, you argue, although Exhibit D in the documents submitted on October 30, 2014, and Exhibits B and D in the documents submitted on November 21, 2014, may not have been obtained under a promise of confidentiality, this information is nonetheless confidential under section 22.27(a) because it was submitted by property owners in connection with the appraisal of property and does not consist of voluntarily disclosed sales price information. There is no indication the exceptions in section 22.27(b) apply to these exhibits. Thus, we conclude the district must withhold Exhibits C and D in the documents submitted on October 30, 2014, and all of the information submitted on November 21, 2014, under section 552.101 of the Government Code in conjunction with section 22.27(a) of the Tax Code.

Section 552.149 of the Government Code provides, in relevant part, the following:

(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. Information obtained under this subsection:

(1) remains confidential in the possession of the property owner or agent; and

(2) may not be disclosed or used for any purpose except as evidence or argument at the hearing on the protest.

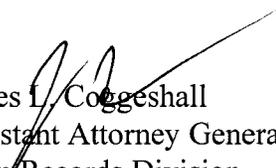
Gov't Code § 552.149(a)-(b). Section 552.149 applies only to counties that have a population of more than 50,000. *Id.* § 552.149(e). We note Cameron County has a population of 50,000 or more. You state the remaining information was obtained by the district from one or more multiple listing services. Upon review, we find the information at issue is confidential under section 552.149(a). You also state the requestor is not an owner or agent of an owner of any of the properties at issue and has no right of access to the information under section 552.149(b). *See id.* § 552.149(b). Thus, we find the district must withhold the remaining information under section 552.149(a) of the Government Code.

To conclude, the district must withhold Exhibits C and D in the documents submitted on October 30, 2014, and all of the information submitted on November 21, 2014, under section 552.101 of the Government Code in conjunction with section 22.27(a) of the Tax Code. The district must withhold the remaining information under section 552.149(a) of the Government Code.

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,

  
James L. Coggeshall  
Assistant Attorney General  
Open Records Division

JLC/eb

Ref: ID# 549654

Enc. Submitted documents

c: Requestor  
(w/o enclosures)