



February 9, 2015

Mr. William Schultz
Assistant District Attorney
Denton County
Denton County Criminal District Attorney's Office
1450 East McKinney, Suite 3100
Denton, Texas 76202

OR2015-02442

Dear Mr. Schultz:

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# 552801.

The Denton County Tax Office (the "tax office") received a request for the yearly delinquent tax rolls for specified taxing units during specified years and attorney collection contracts for each taxing unit.¹ You state the tax office does not maintain the requested contracts and you also state the tax office has no information responsive to delinquencies for two of the taxing units.² You inform us the tax office has released most of the responsive information. You claim some of the submitted information is excepted from disclosure under section 552.101

¹You state, and provide documentation showing, the tax office asked for and received clarification of the request. *See* Gov't Code § 552.222(b)(providing that if request for information is unclear, governmental body may ask requestor to clarify the 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 public information, the ten-day period to request an attorney general ruling is measured from the date the request is clarified or narrowed).

²The Act does not require a governmental body to release information that did not exist when a request for information was received or to prepare new information in response to a request. *See Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266, 267-68 (Tex. Civ. App.—San Antonio 1978, writ dismissed); Open Records Decision Nos. 605 at 2 (1992), 452 at 3 (1986), 362 at 2 (1983).

of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. Section 552.101 encompasses information protected by other statutes. Section 25.025 of the Tax Code states, in pertinent part:

(a) This section applies only to:

(1) a current or former peace officer as defined by Article 2.12, Code of Criminal Procedure;

...

(b) Information in appraisal records under Section 25.02 is confidential and is available only for the official use of the appraisal district, this state, the comptroller, and taxing units and political subdivisions of this state if:

(1) the information identifies the home address of a named individual to whom this section applies; and

(2) the individual chooses to restrict public access to the information on the form prescribed for that purpose by the comptroller under Section 5.07.

(c) A choice made under Subsection (b) remains valid until rescinded in writing by the individual.

(d) This section does not prohibit the public disclosure of information in appraisal records that identifies property according to an address if the information does not identify an individual who has made an election under Subsection (b) in connection with the individual's address.

Tax Code § 25.025. Section 25.02 of the Tax Code prescribes the information that must be contained within appraisal records. *See id.* § 25.02. This information includes the name and address of the owner of the property. *See id.* § 25.02(a)(1). You assert, and we agree, the information at issue contains the information required to be contained in appraisal records under section 25.02 of the Tax Code. Thus, we conclude that the information at issue consists of an appraisal record for purposes of section 25.025(b) of the Tax Code.

You seek to withhold the information you have marked under section 552.101 of the Government Code in conjunction with section 25.025(b) of the Tax Code. You inform us

an owner of the property at issue is a peace officer. You state the officer filed a request for confidentiality pursuant to section 25.025 of the Tax Code, and that the request for confidentiality has not been revoked. Thus, pursuant to subsection (b), the home address at issue is confidential and you must withhold this information under section 552.101 on that basis. *See id.* § 25.02(b). However, you have marked as confidential not only the home address at issue, but also the peace officer's name. Because the requestor in this case does not seek information concerning a specified address, that statute does not make confidential information that identifies the individual. *Id.* § 25.025(d). Therefore, the tax office may not withhold the peace officer's name under section 552.101 on that basis. Furthermore, because the remaining information is not confidential under section 25.025, you may not withhold it under section 552.101 on that basis.

We note, however, section 552.1175 of the Government Code may apply to a portion of the remaining information.³ Section 552.1175 provides in part:

(b) Information that relates to the home address, home telephone number, emergency contact information, or social security number of [a peace officer as defined by article 2.12 of the Code of Criminal Procedure], or that reveals whether the individual has family members is confidential and may not be disclosed to the public under this chapter if the individual to whom the information relates:

- (1) chooses to restrict public access to the information; and
- (2) notifies the governmental body of the individual's choice on a form provided by the governmental body, accompanied by evidence of the individual's status.

Gov't Code § 552.1175(b). Accordingly, the tax office must withhold the information we have marked under section 552.1175 if the individual to whom it pertains elects to restrict access to the information in accordance with section 552.1175(b).

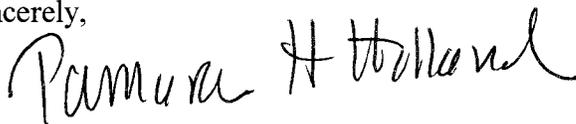
In summary, the tax office must withhold the home address at issue under section 552.101 of the Government Code in conjunction with section 25.025(b) of the Tax Code. The tax office must withhold the information we have marked under section 552.1175 of the Government Code if the individual to whom it pertains elects to restrict access to the information in accordance with section 552.1175(b). The tax office must release the remaining information.

³The Office of the Attorney General will raise a mandatory exception like section 552.1175 on behalf of a governmental body, but ordinarily will not raise other exceptions. *See* Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

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 "Tamara H. Holland". The signature is written in a cursive, flowing style.

Tamara H. Holland
Assistant Attorney General
Open Records Division

THH/bhf

Ref: ID# 552801

Enc. Submitted documents

c: Requestor
(w/o enclosures)