February 12, 2015

Ms. Catelyn H. Kostbar
Administrative Technician III
Harris County Appraisal District
P.O. Box 920975
Houston, Texas 77292-0975

OR2015-02828

Dear Ms. Kostbar:

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# 553732 (HCAD Internal Ref. No. 14-4577).

The Harris County Appraisal District (the "district") received a request for the property cards and values for four specified accounts for the year 2014.[1] The district states it has released some information to the requestor. The district claims some of the submitted information is excepted from disclosure under section 552.149 of the Government Code. We have considered the exception the district claims and reviewed the submitted information.

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

> (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].

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[1]We note the district did not comply with the requirements of section 552.301(e) of the Government Code. *See* Gov't Code § 552.301(e). Nonetheless, section 552.149 of the Government Code can provide a compelling reason to overcome the presumption of openness caused by a failure to comply with section 552.301. *See id.* §§ 552.007, .302. Thus, we will consider the district's claims under section 552.149 of the Government Code.

> (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[.]

Id. § 552.149(a)-(b). The applicability of subsections 552.149(a) and (b) is limited to those counties having a population of 50,000 or more. *Id.* § 552.149(e). We note Harris County has a population of 50,000 or more. In this instance, the district states the information it has marked in the submitted information relates to real property sales, and was provided to the district by a private entity. The district states the requestor is not the owner of the properties at issue or the agent of the owners. *See id.* § 552.149(b). Based on the district's representations and our review, we find the district must withhold the information it has marked in the submitted information under section 552.149(a) of the Government Code. As the district raises no exceptions to disclosure for the remaining information, the district must release it at this time.

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,

Joseph Behnke
Assistant Attorney General
Open Records Division

JB/som

Ref: ID# 553732

Enc. Submitted documents

c: Requestor
(w/o enclosures)