



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

June 10, 2015

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

OR2015-11404

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# 566668.

The Cameron County Appraisal District (the "district"), which you represent, received a request for all documents related to an appeal for a specified property during a specified date range. You state the district is releasing some of the requested information to the requestor. You claim 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 information.

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 B-1 consists of “information furnished to the district by the owner of property in connection with the appraisal of the property by the district.” You assert, in accordance with the language of subsection 22.27(a), sales price information voluntarily disclosed to an appraisal office 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, though the information at issue 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 a property owner 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 this exhibit. Thus, we conclude the district must withhold Exhibit B-1 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].

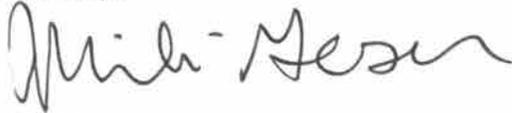
Gov’t Code § 552.149(a). Section 552.149 applies only to counties that have a population of more than 50,000. *Id.* § 552.149(e). We note Cameron County has a population of 50,000 or more. You state the information you have marked in Exhibit B-2 consists of real property sales information and was obtained by the district from multiple listing services. Upon review, we find the information at issue is confidential under section 552.149(a). You also state the requestor 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 information you have marked in Exhibit B-2 under section 552.149(a) of the Government Code.

In summary, the district must withhold Exhibit B-1 under section 552.101 of the Government Code in conjunction with section 22.27(a) of the Tax Code. The district must withhold the information you have marked in Exhibit B-2 under section 552.149(a) of the Government Code. The district must release the 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 "Mili Gosar". The signature is written in a cursive, flowing style.

Mili Gosar
Assistant Attorney General
Open Records Division

MG/akg

Ref: ID# 566668

Enc. Submitted documents

c: Requestor
(w/o enclosures)