



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

August 4, 2015

Mr. E. Barry Gaines
Senior Legal Counsel
Harris County Appraisal District
P.O. Box 920975
Houston, Texas 77292-0975

OR2015-15956

Dear Mr. Gaines:

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# 574253 (HCAD Ref No. 15-2381).

The Harris County Appraisal District (the "district") received a request for "the 2014 Office Building (Vacancy) Report and the 2014 Appraisal Manual." You state the district has provided some of the requested information to the requestor. You claim the submitted information is subject to section 552.027 of the Government Code. Additionally, you state release of the submitted information may implicate the proprietary interests of CoStar Group, Inc. ("CoStar"). Accordingly, you state, and provide documentation showing, you notified CoStar of the request for information and of its right to submit arguments to this office as to why the information at issue should not be released. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 (1990) (statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in the Act in certain circumstances). We have considered the submitted argument and reviewed the submitted information.

You argue the district is not required to provide the submitted information because such information is commercially available. Section 552.027 of the Government Code provides:

- (a) A governmental body is not required under this chapter to allow the inspection of or to provide a copy of information in a commercial book or publication purchased or acquired by the governmental body for research purposes if the book or publication is commercially available to the public.

(b) Although information in a book or publication may be made available to the public as a resource material, such as a library book, a governmental body is not required to make a copy of the information in response to a request for public information.

(c) A governmental body shall allow the inspection of information in a book or publication that is made part of, incorporated into, or referred to in a rule or policy of a governmental body.

Gov't Code § 552.027. Section 552.027 is designed to alleviate the burden of providing copies of commercially available books, publications, and resource materials maintained by governmental bodies, such as telephone directories, dictionaries, encyclopedias, statutes, and periodicals. You state the information at issue is commercially available. You explain the information consists of a report the district has access to pursuant to a licensing agreement with CoStar through a subscription to CoStar's services. You inform us subscriptions to CoStar's services and products are not limited to governmental bodies, and you have provided information showing CoStar's services and products are offered to the general public. You also state the district acquired the information at issue for research purposes. Based on your representations and our review of the information at issue, we agree the submitted information consists of information purchased or acquired by the district for research purposes that is commercially available to the public. Thus, we find the submitted information need not be released to the requestor.

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,



Leah B. Wingerson
Assistant Attorney General
Open Records Division

LBW/bhf

Ref: ID# 574253

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Director of Sales Administration
CoStar Group
1331 L Street, Northwest
Washington, DC 20005-4101
(w/o enclosures)