



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 29, 2015

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

OR2015-20372

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# 581329 (ORR# 177366).

The Cameron Appraisal District (the "district"), which you represent, received a request for several categories of information pertaining to a specified property. You state the district has released some of the requested information. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.149 of the Government Code.¹ 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, such as section 22.27 of the Tax Code, which states in pertinent part:

- (a) Rendition statements, real and personal property reports, attachments to those statements and reports, and other information the owner of property

¹Although you also raise section 552.022 of the Government Code, we note that section 552.022 is not an exception to disclosure. Rather, section 552.022 enumerates categories of information that are not excepted from disclosure unless they are made confidential under the Act or other law. See Gov't Code § 552.022.

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). You argue some of the submitted information is confidential under section 22.27(a). We understand the district is an appraisal office for purposes of section 22.27. You state the documents in Exhibit B-2 consist of information obtained from property owners. You inform us the information at issue does not consist of sales price information. You do not inform us any of the exceptions in section 22.27(b) apply in this instance. *See id.* § 22.27(b). Based on your representations, we find the information was provided by property owners in connection with an appraisal and thus is confidential pursuant to section 22.27 of the Tax Code. Accordingly, the district must withhold Exhibit B-2 under section 552.101 of the Government Code in conjunction with section 22.27 of the Tax Code.

Next, you claim section 552.149 of the Government Code for the information submitted as Exhibit B-1. Section 552.149 provides, in relevant part:

(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[.]

Gov't Code § 552.149(a)-(b). Subsections 552.149(a) and (b) are limited to those counties having a population of 50,000 or more. *Id.* § 552.149(e). We note Cameron County has a population of 50,000 or more. You state the information at issue was obtained from private entities. Therefore, we find the information is generally confidential under section 552.149(a) of the Government Code.

However, pursuant to section 552.149(b) of the Government Code, a property owner or the owner's designated agent has a right of access to certain information that is confidential under section 552.149(a). The submitted documentation reveals the requestor may be an agent of the owner of the property at issue. You inform us a protest was filed regarding a property of which the requestor may be an agent of the owner. However, you state the protest had already been heard by an appraisal review board panel when the requestor submitted the request for information. Thus, you inform us the requestor does not have a right of access to any of the information under section 552.149(b). Upon review and based on your representations, we find the district must withhold Exhibit B-1 under section 552.149(a) of the Government Code.

In summary, the district must withhold Exhibit B-2 under section 552.101 of the Government Code in conjunction with section 22.27 of the Tax Code. The district must withhold Exhibit B-1 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, 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,



Claire V. Morris Sloan
Assistant Attorney General
Open Records Division

CVMS/som

Ref: ID# 581329

Enc. Submitted documents

c: Requestor
(w/o enclosures)