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ATTORNEY GENERAL OF TEXAS

October 30, 2015

Mr. A. Dylan Wood
Counsel for the Titus County Appraisal District
Perdue Brandon Fielder Collins & Mott, L.L.P.
3301 Northland Drive, Suite 505
Austin, Texas 78731

OR2015-22774

Dear Mr. Wood:

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# 585133.

The Titus County Appraisal District (the "district"), which you represent, received a request for specified affidavits filed with the district by Luminant Generation Company, L.L.C. ("Luminant"); all correspondence between the district and Luminant during a specified time period; and a copy of a specified lawsuit filed against the district. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code.¹ You also state release of the submitted information may implicate the interests of Luminant. Accordingly, you notified Luminant of the request for information and of its right to submit arguments stating why its information should not be released. *See* Gov't Code § 552.305 (permitting interested third party to submit to attorney general reasons why requested information should not be released); Open Records Decision No. 542 (1990) (determining statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in certain circumstances). We have

¹We 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, because section 552.101 of the Government Code and third-party interests can provide compelling reasons to overcome the presumption of openness, we will consider their applicability to the submitted information. *See id.* §§ 552.007, .302, .352.

received comments from Luminant. We have considered the submitted arguments and reviewed the submitted information, a portion of which constitutes a representative sample.²

Initially, we note you have not submitted information responsive to the portion of the request seeking a copy of a specified lawsuit filed against the district. To the extent information responsive to this portion of the request existed and was maintained by the district on the date the district received the request, we assume the district has released it. If the district has not released any such information, it must do so at this time. Gov't Code §§ 552.301(a), .302; *see also* Open Records Decision No. 664 (2000) (if governmental body concludes no exceptions apply to requested information, it must release information as soon as possible).

Next, we note some of the submitted information, which we have marked, is not responsive to the instant request because the correspondence is not between the district and Luminant. This ruling does not address the public availability of any information that is not responsive to the request and the district is not required to release such information in response to this request.

Section 552.101 of the Government Code exempts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. Section 552.101 encompasses section 22.27 of the Tax Code, which 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). The district states the responsive information was provided to the district

²We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent those records contain substantially different types of information than that submitted to this office.

by the property owner in connection with appraisals of the owner's property pursuant to section 22.27(a). The district indicates none of the exceptions in section 22.27(b) apply in this instance. Based on these representations and our review, we conclude the district must withhold the responsive information under section 552.101 of the Government Code in conjunction with section 22.27(a) of the Tax Code.³

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,



Kenny Moreland
Assistant Attorney General
Open Records Division

KJM/som

Ref: ID# 585133

Enc. Submitted documents

c: Requestor
(w/o enclosures)

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³As our ruling is dispositive, we need not address the remaining arguments against disclosure of the submitted information.