



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

December 2, 2015

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

OR2015-25124

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# 590235.

The Walker County Appraisal District (the "district"), which you represent, received a request for information pertaining to a specified account. The district states it has furnished some of the requested information to the requestor, but claims some of the submitted information is excepted from disclosure under section 552.149 of the Government Code. We have considered the claimed exception and reviewed the submitted information.<sup>1</sup>

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].

(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),

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<sup>1</sup>The district acknowledges, and we agree, it did not comply with the requirements of section 552.301 of the Government Code. *See* Gov't Code § 552.301(b), (e). Nevertheless, section 552.149 of the Government Code is a mandatory exception that 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 claim under that section.

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. Information obtained under this subsection:

(1) remains confidential in the possession of the property owner or agent; and

(2) may not be disclosed or used for any purpose except as evidence or argument at the hearing on the protest.

Gov't Code § 552.149(a)-(b). Section 552.149 applies only to counties that have a population of more than 50,000. *Id.* § 552.149(e). We understand Walker County has a population of 50,000 or more. The district states the information it has marked was obtained by the district from one or more multiple listing services. Upon review, we find the information at issue is confidential under section 552.149(a). The district also states the requestor does not have a 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 it has marked 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](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,

  
James L. Coggeshall  
Assistant Attorney General  
Open Records Division

JLC/bhf

Ref: ID# 590235

Enc. Submitted documents

c: Requestor  
(w/o enclosures)