



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

December 22, 2015

Ms. Elizabeth Conry Davidson
Counsel for the Bexar Appraisal District
Elizabeth Conry Davidson Attorney at Law
926 Chulie Drive
San Antonio, Texas 78216

OR2015-27010

Dear Ms. Davidson:

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# 591863.

The Bexar Appraisal District (the "district"), which you represent, received a request for certain information pertaining to five specified neighborhoods. You state the district will release some of the requested information to the requestor. You claim portions of the submitted information are excepted from disclosure under section 552.149 of the Government Code.¹ We have considered the exception you claim and reviewed the submitted information.

Section 552.149 of the Government Code 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].

¹We note the district did not comply with the requirements of section 552.301(b) of the Government Code. *See* Gov't Code § 552.301(e). Nonetheless, because section 552.149 of the Government Code can provide a compelling reason to overcome the presumption of openness caused by a failure to comply with section 552.301, we will consider the district's claim under section 552.149 of the Government Code. *See id.* §§ 552.007, .302.

(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 understand Bexar County has a population of 50,000 or more. You state the information at issue consists of information related to real property sales, descriptions, and characteristics, and it was obtained from private entities. You indicate the information at issue does not contain information to which the requestor has a right of access pursuant to section 552.149(b). *See id.* § 552.149(b). Based on your representations and our review, we find the district must withhold the information in Exhibit B and the information you have indicated in Exhibit C under section 552.149(a) of the Government Code. As the district does not raise another exception to disclosure of the remaining information, the district must release it.

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,



Lee Seidlits
Assistant Attorney General
Open Records Division

CLS/som

Ref: ID# 591863

Enc. Submitted documents

c: Requestor
(w/o enclosures)