



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 19, 2016

Mr. Kirk Swinney
Counsel for Harrison Central Appraisal District
McCreary, Veselka, Bragg & Allen, P.C.
700 Jeffrey Way, Suite 100
Round Rock, Texas 78664-2425

OR2016-21114

Dear Mr. Swinney:

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# 626943.

The Harrison Central Appraisal District (the "district"), which you represent, received a request for all information regarding a specified property, the names and addresses of certain individuals associated with the district, including employees and board members of the district, historical tax records for a specified time period for all properties owned by these individuals, as well as a list of property owner names and addresses for all properties in a specified time period that have been granted an agricultural exemption in Harrison County. You claim portions of the submitted information are excepted from disclosure under section 552.117 of the Government Code.¹ We have considered the exception you claim and reviewed the submitted information. We have also received and considered comments from the requestor. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released).

Initially, we note you have not submitted information responsive to the first item of information requested. To the extent any information responsive to this portion of the request existed on the date the district received the request, we assume the district has

¹Although you do not cite to section 552.117 of the Government Code in your brief, we understand you to raise this exception based on the substance of your argument.

released it. If the district has not released any such information, it must do so at this time. *See id.* §§ 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 address the requestor's assertion the district failed to comply with its procedural obligations under section 552.301 of the Government Code. Section 552.301 of the Government Code prescribes the procedures that a governmental body must follow in asking this office to decide whether requested information is excepted from public disclosure. *See* Gov't Code § 552.301. Pursuant to section 552.301(b), a governmental body must ask for a decision from this office and state the exceptions that apply within ten business days of receiving the written request. *See id.* § 552.301(b).

The district informs us it received the request for information on June 29, 2016. The district also informs us the district was closed on July 4, 2016. This office does not count the date the request was received or holidays the governmental body was closed as business days for the purpose of calculating a governmental body's deadlines under the Act. Accordingly, the district was required to provide the information required by section 552.301(b) by July 14, 2016. We note, however, the envelope in which the district submitted to our office the information required by section 552.301(b) was postmarked on July 14, 2016. *See id.* § 552.308 (describing rules for calculating submission dates of documents sent via first class United States mail, common or contract carrier, or interagency mail). Accordingly, we find the district complied with its procedural requirements mandated by section 552.301(b). Therefore, we will consider the district's argument to withhold the information at issue.

Section 552.117(a)(1) of the Government Code excepts from disclosure the home address and telephone number, emergency contact information, social security number, and family member information of a current or former employee or official of a governmental body who requests this information be kept confidential under section 552.024 of the Government Code. *See id.* § 552.117(a)(1). Whether a particular item of information is protected by section 552.117(a)(1) must be determined at the time of the governmental body's receipt of the request for the information. *See* Open Records Decision No. 530 at 5 (1989). Thus, information may be withheld under section 552.117(a)(1) only on behalf of a current or former employee or official who made a request for confidentiality under section 552.024 prior to the date of the governmental body's receipt of the request for the information. Information may not be withheld under section 552.117(a)(1) on behalf of a current or former employee or official who did not timely request under section 552.024 the information be kept confidential. You state, and provide documentation showing, the employees at issue timely requested confidentiality of their personal information under section 552.024 of the Government Code. Therefore, the district must withhold the information we have marked under section 552.117(a)(1) of the Government Code. The remaining information consists of district tax records of property owned by district employees. Section 552.117(a)(1) is applicable only to information a governmental body holds in an employment context. Upon

review, we find the district does not maintain the submitted public tax records in an employment context. Therefore, the district may not withhold any of the remaining information under section 552.117(a)(1) of the Government Code. The remaining information must be released.

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,

A handwritten signature in black ink that reads "Erin Groff". The signature is written in a cursive, flowing style.

Erin Groff
Assistant Attorney General
Open Records Division

EMB/eb

Ref: ID# 626943

Enc. Submitted documents

c: Requestor
(w/o enclosures)