



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

May 9, 2016

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

OR2016-10549

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# 609049.

The Caldwell County Appraisal District (the "district"), which you represent, received a request for several categories of information pertaining to a specified property. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.103 of the Government Code. We have considered the exceptions you claim and reviewed the submitted representative sample of information.¹

Section 25.195(a) of the Tax Code provides:

After the chief appraiser has submitted the appraisal records to the appraisal review board as provided by Section 25.22(a), a property owner or the

¹We assume that 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 that those records contain substantially different types of information than that submitted to this office.

owner's designated agent is entitled to inspect and copy the appraisal records relating to property of the property owner, together with supporting data, schedules, and, except as provided by Subsection (b), any other material or information held by the chief appraiser or required by Section 25.01(c) to be provided to the appraisal district under a contract for appraisal services, including material or information obtained under Section 22.27, that is obtained or used in making appraisals for the appraisal records relating to that property.

Tax Code § 25.195(a). Section 25.195(a) grants a property owner a specific right of access to appraisal records relating to the property of the property owner and supporting data, schedules, and other information obtained or used in making appraisals for the appraisal records relating to that property. We note the requestor is the representative of the property at issue. Thus, the requestor has a right of access to the submitted appraisal supporting data relating to the property of the requestor's client (the "client"). We understand the submitted information also pertains to properties other than the client's property and this information was used in appraising the client's property. Thus, the submitted information consists of appraisal supporting data that is related to the client's property. Therefore, section 25.195(a) provides the requestor with a right of access to the submitted information. Although you seek to withhold the information at issue under sections 552.103, we note exceptions to disclosure under the Act generally do not apply to information made public by other statutes, such as section 25.195(a). *See* Open Records Decision Nos. 623 at 3 (1994), 525 at 3 (1989). Although you also seek to withhold the information in Exhibit B-2 under section 552.101 of the Government Code in conjunction with section 22.27 of the Tax Code, we note section 25.159(a) of the Tax Code specifically provides the requestor a right of access to "material or information obtained under Section 22.27 [of the Tax Code], that is obtained or used in making appraisals for the appraisal records relating to that property." *See* Tax Code § 25.195(a). Thus, the district may not withhold the submitted information under section 552.101 of the Government Code in conjunction with section 22.27 of the Tax Code or section 552.103 of the Government Code. Accordingly, the district must release the submitted information to the requestor pursuant to section 25.195(a) of the Tax 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,

A handwritten signature in black ink, appearing to read 'Cristian Rosas-Grillet', with a long horizontal flourish extending to the right.

Cristian Rosas-Grillet
Assistant Attorney General
Open Records Division

CRG/bw

Ref: ID# 609049

Enc. Submitted documents

c: Requestor
(w/o enclosures)