



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

July 26, 2016

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

OR2016-16766

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# 620020.

The Bexar Appraisal District (the "district"), which you represent, received a request for information pertaining to three specified properties. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.149 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This section encompasses information protected by other statutes, such as section 22.27 of the Tax Code, which provides:

(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.

(b) Information made confidential by this section may be disclosed:

...

(2) to the person who filed the statement or report or the owner of property subject to the statement, report, or information or to a representative of either authorized in writing to receive the information[.]

Tax Code § 22.27(a), (b)(2). You state the district is an “appraisal office” for purposes of section 22.27(a). You state certain information pertaining to sales prices was obtained by the district under a promise of confidentiality by the property owner of the properties at issue in connection with an appraisal for purposes of section 22.27(a) of the Tax Code. In this instance, however, you inform us the requestor is the owner of the properties. Thus, the requestor has a right of access under section 22.27(b)(2) to the information pertaining to these properties that would otherwise be confidential under section 22.27(a). *See id.* § 22.27(b)(2). Accordingly, the district may not withhold from this requestor the information at issue under section 552.101 of the Government Code in conjunction with section 22.27(a) of the Tax Code.

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].

(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 contains information

related to real property sales, descriptions, and characteristics and it was obtained from a private entity. However, pursuant to section 552.149(b) of the Government Code, a property owner or the owner's designated agent has a right of access to certain information that is confidential under section 552.149(a). You state the requestor is the owner of the properties at issue. You inform us there is no pending or upcoming protest hearing. Thus, you inform us the requestor does not have a right of access to any of the information under section 552.149(b). Based on your representations and our review, we find the district must withhold the information related to real property sales, descriptions, and characteristics and it was obtained from a private entity under section 552.149(a) of the Government Code. The remaining information must be released.¹

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,



Paige Lay
Assistant Attorney General
Open Records Division

PL/som

Ref: ID# 620020

Enc. Submitted documents

c: Requestor
(w/o enclosures)

¹We note the information being released in this instance includes information that may be confidential with respect to the general public. See Gov't Code § 552.155(b); Tax Code § 22.27(b)(2). Therefore, if the district receives another request for this information from an individual other than this requestor, the district must again seek a ruling from this office.