



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

October 4, 2016

Mr. James G. Nolan
Associate Deputy General Counsel
Open Records Section
Texas Comptroller of Public Accounts
P.O. Box 13528
Austin, Texas 78711-3528

OR2016-22267

Dear Mr. Nolan:

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# 630776 (ORR# 12660135680).

The Texas Comptroller of Public Accounts (the "comptroller's office") received a request for specified sales data. The comptroller's office states it will provide some of the requested information to the requestor, but claims some of the submitted information is excepted from disclosure under sections 552.101 and 552.149 of the Government Code. We have considered the claimed exceptions and reviewed the submitted representative sample of information.¹

Section 552.149(a) of the Government Code provides, "[i]nformation relating to real property sales prices, descriptions, characteristics, and other related information received

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

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].” Gov’t Code § 552.149(a). The comptroller’s office informs us the Harris County Appraisal District (the “appraisal district”) provided the submitted information to the comptroller’s office in connection with a property tax study that the comptroller’s office conducted pursuant to section 403.302 of the Government Code. *See id.* § 403.302(a) (requiring comptroller’s office to conduct study to determine total taxable value of all property in each school district). The comptroller’s office states the submitted documents contain property sales and valuation information that the appraisal district obtained from Multiple Listing Service, which is a private entity. The comptroller’s office states Harris County has a population of 50,000 or more. *See id.* § 552.149(e). Accordingly, we find this property sales and valuation information, which the comptroller’s office has marked, is generally confidential under section 552.149(a). The comptroller’s office represents the requestor does not have a right of access to this information pursuant to section 552.149(b). *See id.* § 552.149(b). The comptroller’s office also explains the appraisal district provided the submitted information to the comptroller’s office pursuant to section 403.304(a) of the Government Code. *See id.* § 403.304(a) (“A school district, appraisal district, or other governmental entity in this state shall promptly comply with an oral or written request from the [comptroller’s office] for information to be used in conducting a study, including information that is made confidential by [the Act.]”). Pursuant to the interagency transfer doctrine, records that are confidential in the hands of the originating governmental body remain confidential when transferred to another governmental body. *See* Open Records Decision Nos. 674 at 4 (2001), 667 at 4 (2000); *see also* Attorney General Opinion H-836 (1976) (governmental bodies have need to maintain unrestricted flow of information, to effectuate state policy that governmental bodies cooperate in the efficient and economical administration of statutory duties). Therefore, we agree the comptroller’s office must withhold the information it has marked under section 552.149(a) of the Government Code.² The comptroller’s office 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, or call the Office of the Attorney General’s Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for

²As our ruling is dispositive, we do not address the other argument of the comptroller’s office to withhold this information.

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/bw

Ref: ID# 630776

Enc. Submitted documents

c: Requestor
(w/o enclosures)