



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

May 30, 2017

Ms. Yesica Antu-Sanchez  
Records Mangement Officer  
Bexar Appraisal District  
P.O. Box 830248  
San Antonio, Texas 78283-0248

OR2017-11703

Dear Ms. Antu-Sanchez:

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# 659819.

The Bexar Appraisal District (the "district") received a request for information used by the district to establish cap rates. The district claims the submitted information is excepted from disclosure under sections 552.101 and 552.149 of the Government Code.<sup>1</sup> We have considered the claimed exceptions 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].
- (b) Notwithstanding Subsection (a), the property owner or the owner's agent may, on request, obtain from the chief appraiser of the applicable appraisal

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<sup>1</sup>Although the district raises section 552.228(b)(3) of the Government Code, we note this section is not an exception to disclosure under the Act. *Id.* § 552.228(b)(3); *see also id.* § 552.301(a) (noting that exceptions to disclosure under Act are found at subchapter C of chapter 552 of Government Code).

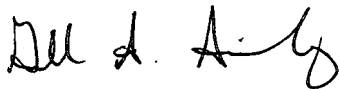
district a copy of each item of information described by Section 41.461(a)(2), Tax Code, and a copy of each item of information that the chief appraiser took into consideration but does not plan to introduce at the hearing on the protest. In addition, the property owner or agent may, on request, obtain 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. The district states the information at issue consists of information related to real property sales, descriptions, and characteristics and it was obtained from a private entity. The district informs us the requestor does not have a right of access to any of this information pursuant to section 552.149(b). *See id.* § 552.149(b). Based on the district's representations and our review, we find the district must withhold the submitted information under section 552.149(a) of the Government Code.<sup>2</sup>

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](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,



Gerald A. Arismendez  
Assistant Attorney General  
Open Records Division

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<sup>2</sup>As our ruling is dispositive, we need not address the district's remaining argument against disclosure of the submitted information.

Ref: ID# 659819

Enc. Submitted documents

c: Requestor  
(w/o enclosures)