



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

July 19, 2017

Ms. Laura J. Monroe
Counsel for the Lubbock Central Appraisal District
Purdue, Brandon, Fielder, Collins & Mott, L.L.P.
P.O. Box 817
Lubbock, Texas 79408

OR2017-16067

Dear Ms. Monroe:

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# 666978.

The Lubbock Central Appraisal District (the "district"), which you represent, received a request for information related to payments for property taxes by several named employees and officials of Lubbock County. The district states it has released some of the requested information. The district claims some of the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception the district claims and reviewed the submitted representative sample of information.¹ We have also received and considered comments from an attorney representing the interests of the named employees and officials (the "attorney"). *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released).

Initially, we note the requestor in her request letter excludes "all address information" from the scope of the requested information. Accordingly, this type of information is not responsive to the request for information. Upon review, we agree the information the district redacted, as well as the additional information we have marked, is address information that

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.

is not responsive to the request. This ruling does not address the public availability of any information that is not responsive to the request and the district is not required to release that information in response to the request.

Section 552.101 of the Government Code exempts from public disclosure “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.” Gov’t Code § 552.101. Section 552.101 encompasses information protected by other statutes. Section 25.025 of the Tax Code states, in pertinent part:

(b) Information in appraisal records under Section 25.02 is confidential and is available only for the official use of the appraisal district, this state, the comptroller, and taxing units and political subdivisions of this state if:

(1) the information identifies the home address of a named individual to whom this section applies; and

(2) the individual chooses to restrict public access to the information on the form prescribed for that purpose by the comptroller under Section 5.07.

(c) A choice made under Subsection (b) remains valid until rescinded in writing by the individual.

(d) This section does not prohibit the public disclosure of information in appraisal records that identifies property according to an address if the information does not identify an individual who has made an election under Subsection (b) in connection with the individual’s address.

Tax Code § 25.025(b)-(d). Section 25.025(a) sets forth certain categories of individuals who are authorized to make an election of confidentiality pursuant to section 25.025(b). *See* Act of May 9, 2017, 85th Leg., R.S., S.B. 256, § 7 (to be codified as an amendment to Tax Code § 25.025(a)); Act of May 23, 2017, 85th Leg., R.S., S.B. 510, § 1 (to be codified at Tax Code § 25.025(a)); Act of May 30, 2017, 85th Leg., R.S., H.B. 457, § 1 (to be codified as an amendment to Tax Code § 25.025(a)); *see also* Tax Code § 25.025(a-1)(2) (“State judge” means a judge, former judge, or retired judge of district court or a county court at law of this state). Section 25.02 of the Tax Code prescribes the information that must be contained within appraisal records. *See id.* § 25.02. This information includes the name and address of the owner of the property. *See id.* § 25.02(a)(1). The district asserts, and we agree, the submitted information contains the information required to be contained in appraisal records under section 25.02 of the Tax Code. Thus, we conclude the submitted information consists of an appraisal record for purposes of section 25.025(b) of the Tax Code.

The district informs us the individuals whose information is at issue are subject to section 25.025 of the Tax Code. The district states prior its receipt of the instant request, the owners of the properties at issue filed requests for confidentiality with the district on the form

prescribed for that purpose by the comptroller under section 5.07 of the Tax Code. The district further informs us the requests for confidentiality have not been revoked. Thus, the district seeks to withhold the names of the owners of the properties to which the submitted records pertain. However, we find the information at issue does not identify the home address of an individual subject to section 25.025, and thus, the district may not withhold the information at issue under section 552.101 of the Government Code in conjunction with section 25.025(b) of the Tax Code.

The attorney argues the responsive information is confidential under section 552.152 of the Government Code. Section 552.152 provides,

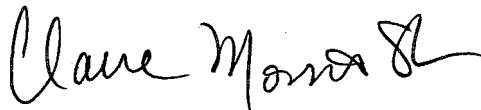
Information in the custody of a governmental body that relates to an employee or officer of the governmental body is excepted from [required public disclosure] if, under the specific circumstances pertaining to the employee or officer, disclosure of the information would subject the employee or officer to a substantial threat of physical harm.

Gov't Code § 552.152. Upon review, we find the attorney has not demonstrated the release of any of the responsive information would subject an employee of the district to a substantial threat of physical harm. Thus, the district may not withhold any of the responsive information under section 552.152 of the Government Code. Accordingly, the district must release the responsive 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 providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Claire V. Morris Sloan
Assistant Attorney General
Open Records Division

CVMS/som

Ref: ID# 666978

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Third Party
(w/o enclosures)