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ATTORNEY GENERAL OF TEXAS

July 3, 2019

Mr. Dustin L. Banks
In-House Counsel
Travis Central Appraisal District
P.O. Box 149012
Austin, Texas 78714

OR2019-18336

Dear Mr. Banks:

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# 772097 (PIR No. 16032).

The Travis Central Appraisal District (the "district") received a request for certain sales data, including information regarding the scoring of sales. The district states it released most of the requested information to the requestor, some of which it released pursuant to section 25.195(a) of the Tax Code. *See* Tax Code § 25.195(a) (providing 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). The district claims 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 552.101 of the Government Code excepts from public 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 states, in relevant part, the following:

- (a) Rendition statements, real and personal property reports, attachments to those statements and reports, and other information the owner of property

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

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.

Tax Code § 22.27(a). The district argues some of the submitted information is confidential under section 22.27(a). We understand the district is an appraisal office for purposes of section 22.27. However, the district does not inform us which sales prices were provided by property owners in connection with the appraisal of property under a promise of confidentiality. The district informs us none of the exceptions in section 22.27(b) apply in this instance. *See id.* § 22.27(b). Thus, to the extent the information at issue was furnished to the district by property owners in connection with the appraisal of property under a promise of confidentiality, that information is confidential under section 22.27(a) of the Tax Code and must be withheld under section 552.101 of the Government Code.² However, to the extent the information at issue was not furnished by property owners in connection with the appraisal of property under a promise of confidentiality, the information is not confidential under section 22.27(a) of the Tax Code and may not be withheld under section 552.101 of the Government Code on that basis.

Next, the district claims section 552.149 of the Government Code for any remaining information. Section 552.149 provides, in relevant part, the following:

(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

²In this instance, as our ruling is dispositive, we need not address the remaining argument against disclosure of this information.

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 note Travis County has a population of 50,000 or more. You state any remaining information at issue was obtained from a private entity. The district states the requestor has not represented himself as an owner or an agent of an owner of the properties at issue. Therefore, we find to the extent any remaining information at issue was provided to the district by a private entity, it must be withheld under section 552.149(a) of the Government Code. However, to the extent any remaining information at issue was not provided to the district by a private entity, it may not be withheld under section 552.149 of the Government Code.

In summary, to the extent the information at issue was furnished to the district by property owners in connection with the appraisal of property under a promise of confidentiality, that information must be withheld under section 552.101 of the Government Code in conjunction with section 22.27(a) of the Tax Code. To the extent any remaining information at issue was provided to the district by a private entity, it must be withheld under section 552.149(a) of the Government Code. The district 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 providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



James M. Graham
Assistant Attorney General
Open Records Division

JMG/gw

Ref: ID# 772097

c: Requestor