



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

February 11, 2020

Ms. D'Layne Carter  
Counsel for the Potter-Randall Appraisal District  
Perdue, Brandon, Fielder, Collins & Mott, L. L. P.  
P.O. Box 9132  
Amarillo, Texas 79105

OR2020-04049

Dear Ms. Carter:

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# 811341.

The Potter-Randall Appraisal District (the "district"), which you represent, received a request for a specified contract between the district and Pictometry International Corp., an EagleView Company ("Pictometry").<sup>1</sup> Although you take no position regarding whether the submitted information is excepted from disclosure, you state release of the information at issue may implicate the proprietary interests of Pictometry. Accordingly, you state, and provide documentation demonstrating, the district notified Pictometry of the request for information and of its right to submit arguments to this office as to why the submitted information should not be released. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 (1990) (statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in the Act in certain circumstances). You have provided this office with comments from Pictometry. We have considered the submitted argument and reviewed the submitted information.

---

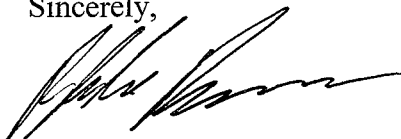
<sup>1</sup> You state, and provide documentation demonstrating, the district sought and received clarification of the information requested. *See* Gov't Code § 552.222(b) (stating if information requested is unclear to governmental body or if large amount of information has been requested, governmental body may ask requestor to clarify or narrow request, but may not inquire into purpose for which information will be used); *City of Dallas v. Abbott*, 304 S.W.3d 380 (Tex. 2010) (holding when governmental entity, acting in good faith, requests clarification of unclear or overbroad request for public information, ten-business-day period to request attorney general opinion is measured from date request is clarified or narrowed).

Pictometry asserts portions of the information at issue are excepted from disclosure under section 552.1101 of the Government Code. The Eighty-sixth Legislature amended section 552 of the Government Code to include section 552.1101. Act of May 25, 2019, 86th Leg., R.S., S.B. 943, § 5 (to be codified at Gov't Code § 552.1101). However, the amended law applies only to a request for information that the governmental body receives on or after January 1, 2020, the effective date of the amendment. *Id.* A request for information received before the effective date of the amendment is governed by the law in effect on the date the governmental body received the request. In this instance, the district received the clarified request on October 25, 2019. Thus, we do not address Pictometry's argument under section 552.1101 of the Government Code. As no further exceptions to disclosure have been raised, the district must release the submitted 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 <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,



Blake Brennan  
Assistant Attorney General  
Open Records Division

BBX/jxd

Ref: ID# 811341

Enc. Submitted documents

c: Requestor  
(w/o enclosures)