



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

February 24, 2020

Ms. Dyann White
Officer for Public Information
Milam Appraisal District
Post Office Box 769
Cameron, Texas 76520

OR2020-05757

Dear Ms. White:

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# 813227.

The Milam Appraisal District (the "district") received a request for a specified contract with Pictometry International Corp. ("Pictometry").¹ We understand the district does not take a position as to whether the submitted information is excepted from disclosure under the Act. However, the district has submitted correspondence from Pictometry objecting to the release of some of the information at issue pursuant to section 552.1101 of the Government Code.² *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 at 3 (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). We have considered the submitted arguments and reviewed the submitted information.

The Eighty-sixth Legislature amended the Act to include section 552.1101 of the Government Code. Act of May 25, 2019, 86th Leg., R.S., S.B. 943, § 5 (to be codified at Gov't Code § 552.1101). However, section 552.1101 applies only to a request for information that a governmental body receives on or after January 1, 2020, the effective date of the amendment. Act of May 25, 2019, 86th Leg., R.S., S.B. 943, §§ 5, 10. A request

¹ As you have not submitted a copy of the request for information, we take this description from your brief.

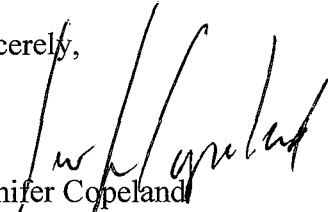
² We note the district did not comply with section 552.301 of the Government Code in requesting a ruling from this office. *See* Gov't Code § 552.301(e). Nonetheless, because the interest of a third party can provide a compelling reason to overcome the presumption of openness, we will consider third party interests for the submitted information. *See id.* §§ 552.007, .302, .352.

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. The district received the request prior to January 1, 2020. Therefore, section 552.1101 is not applicable to the submitted information and the district may not withhold it from release on that ground. Pictometry does not make any other argument to withhold the information at issue. Accordingly, 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,



Jennifer Copeland
Assistant Attorney General
Open Records Division

JC/rm

Ref: ID# 813227

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Third Party
(w/o enclosures)