



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

July 1, 2020

Mr. Eric C. Farrar
Counsel for the Travis Central Appraisal District
Olson & Olson LLP
Wortham Tower, Suite 600
2727 Allen Parkway
Houston, Texas 77019-2133

OR2020-16764

Dear Mr. Farrar:

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# 834005 (TCAD20-001).

The Travis Central Appraisal District (the "district"), which you represent, received twenty-four requests from different requestors for the Sales Grid and Equity Grid for each real property account for 2019 and sales information for each real property account for the years 2016, 2017, 2018, and 2019. You state the district has released some information. You claim the remaining requested information is excepted from disclosure under section 552.149 of the Government Code.¹ You also state release of the submitted information may implicate the proprietary interests of a third party. Accordingly, you state, and provide documentation showing, you notified CoreLogic, Inc. 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). We have the submitted arguments and reviewed the submitted representative sample of information.² We have also received and considered comments

¹ We note the district failed to comply with section 552.301 of the Government Code in requesting a ruling from this office for request number 18551. *See* Gov't Code § 552.301(b). Nonetheless, because section 552.149 of the Government Code can provide a compelling reason to overcome the presumption of openness, we will consider its applicability to the submitted information. *See id.* §§ 552.007, .302, .352.

² We 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

from an attorney representing the requestors. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released).

Initially, we note an interested third party is allowed ten business days after the date of its receipt of the governmental body's notice under section 552.305(d) to submit its reasons, if any, as to why information relating to that party should be withheld from public disclosure. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, we have not received comments from CoreLogic, Inc. explaining why its information should not be released. Therefore, we have no basis to conclude CoreLogic, Inc. has a protected proprietary interest in the submitted information. *See, e.g., id.* § 552.110 (requiring the provision of specific factual evidence demonstrating the applicability of the exception). Accordingly, the district may not withhold any of the information at issue on the basis of any proprietary interest CoreLogic, Inc. may have in it.

Section 552.149 of the Government Code 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 that is relevant to any matter to be determined by the appraisal review board at the hearing on the property owner's protest[.]

Id. § 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 the information at issue consists of sales information that was provided to the district by a private entity under confidentiality. Upon review, we find the information at issue is generally confidential under section 552.149(a). However, pursuant to section 552.149(b), a property owner or the owner's designated agent has a right of access to certain information that is otherwise confidential under section 552.149(a). You state the requestors represent several property owners in pending protests of the valuation of their properties by the district. Thus, the requestors may have a right of access to certain information under section 552.149(b).

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.

As stated above, subsection (b) provides a property owner or the owner's agent a right of access to information described by section 41.461(a)(2) of the Tax Code, information the chief appraiser took into consideration during the appraisal but does not plan to introduce at the hearing on the protest, and comparable sales data from a reasonable number of sales that is relevant to the matter to be determined by the appraisal board. We note section 552.149(b) applies solely to pending protest hearings before an appraisal review board.

You contend the information at issue does not contain information to which the requestors have a right of access pursuant to section 552.149(b). *See id.* § 552.149. However, we find if any of the information at issue pertains to properties for which the district's valuation is under protest by the property owners the requestors represent, then to the extent such information is responsive to the request, the district must release each item of information described by section 41.461(a)(2) of the Tax Code, a copy of each item of information that the chief appraiser took into consideration but does not plan to introduce at the hearings on the protests, and 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 hearings on the property owners' protests. Conversely, if none of the information at issue pertains to property for which the district's valuation is under protest by the requestor's clients, then the information at issue must be withheld under section 552.149(a) of the Government Code.

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/be

Ref: ID# 834005

Enc. Submitted documents

c: Requestor
(w/o enclosures)