



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

July 2, 2020

Mr. Dustin L. Banks  
In-House Counsel  
Travis Central Appraisal District  
P.O. Box 149012  
Austin, Texas 78714-9012

OR2020-16843

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# 833811 (PIR Nos. 18551, 18594, 18627, and 18630).

The Travis Central Appraisal District (the "district") received four requests for information pertaining to commercial appraisals, including the 2020 Commercial Evidence Book. You state the district has released some information. You claim some of the submitted information is excepted from disclosure under section 552.149 of the Government Code.<sup>1</sup> We have considered the exception you claim and reviewed the submitted information.

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

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<sup>1</sup> We note the district did not 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.

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[.]

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 the information at issue consists of sales information that was provided to the district by a private entity under confidentiality. You indicate 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. Based upon your representations and our review, we find the district must withhold the information it marked 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 <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,

Kelly McWethy  
Assistant Attorney General  
Open Records Division

KM/jlbm

Ref: ID# 833811

c: 2 Requestors