



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

December 10, 2020

Mr. Christopher S. Jackson  
Counsel for the Guadalupe Appraisal District  
Perdue, Brandon, Fielder, Collins & Mott, L.L.P.  
3301 Northland Drive, Suite 505  
Austin, Texas 78731

OR2020-30934

Dear Mr. Jackson:

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# 857495.

The Bexar Appraisal District (the "district"), which you represent, received a request for information related to the appraisal or assessment of properties owned by two named individuals. You state you will release some information to the requestor. You claim portions of the submitted information are excepted from disclosure under sections 552.101, 552.1175, 552.136, and 552.137 of the Government Code. Further, you state release of the information at issue may implicate the privacy interests of named individuals. Accordingly, you state, and provide documentation showing, you notified these individuals of the request for information and of their rights to submit arguments to this office as to why the information at issue should not be released. *See* Gov't Code § 552.304 (providing that interested party may submit comments stating why information should or should not be released). We have received comments from the Bexar County Criminal District Attorney's Office (the "district attorney's office") on behalf of one of the named individuals.<sup>1</sup> We have considered the submitted arguments and reviewed the submitted representative sample of information.<sup>2</sup>

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<sup>1</sup> As of the date of this letter, we have not received comments from the other named individual.

<sup>2</sup> 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 letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent those records contain substantially different types of information than that submitted to this office.

Initially, you note, and we agree, a portion of the submitted information is not “public information” subject to disclosure under the Act. Section 552.002(a) of the Government Code defines “public information” as information that is written, produced, collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business:

- (1) by a governmental body;
- (2) for a governmental body and the governmental body:
  - (A) owns the information;
  - (B) has a right of access to the information; or
  - (C) spends or contributes public money for the purpose of writing, producing, collecting, assembling, or maintaining the information;  
or
- (3) by an individual officer or employee of a governmental body in the officer’s or employee’s official capacity and the information pertains to official business of the governmental body.

*Id.* § 552.002(a). In Open Records Decision No. 581 (1990), this office determined certain computer information, such as source codes, documentation information, and other computer programming, that has no significance other than its use as a tool for the maintenance, manipulation, or protection of public property is not the kind of information made public under section 552.021 of the Government Code. We note some of the submitted information consists of information used solely for the purpose of maintenance, manipulation, or protection of public property and has no other significance. Upon review, we conclude the password information you have marked is not “public information” for purposes of the Act, and the district is not required to release it in response to this request.<sup>3</sup>

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.” *Id.* § 552.101. Section 552.101 encompasses information protected by other statutes. Section 25.025 of the Tax Code states, in pertinent part:

- (a) This section applies only to:

...

- (9) a federal judge, a state judge, or the spouse of a federal or state judge; [and]

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<sup>3</sup> As we are able to make this determination, we need not address the remaining argument against disclosure of this information.

(10) a current or former employee of a district attorney, criminal district attorney, or county or municipal attorney whose jurisdiction includes and criminal law or child protective services matters[.]

...

(a-1) In this section:

(1) "Federal judge" means:

(A) a judge, former judge, or retired judge of a United States court of appeals;

(B) a judge, former judge, or retired judge of a United States district court;

(C) a judge, former judge, or retired judge of a United States bankruptcy court; or

(D) a magistrate judge, former magistrate judge, or retired magistrate judge of a United States district court.

(2) "State judge" means:

(A) a judge, former judge, or retired judge of an appellate court, a district court, a statutory probate court, a constitutional county court, or a county court at law of this state;

(B) an associate judge appointed under Chapter 201, Family Code, or Chapter 54A, Government Code, or a retired associate judge or former associate judge appointed under either law;

(C) a justice of the peace;

(D) a master, magistrate, referee, hearing officer, or associate judge appointed under Chapter 54, Government Code; or

(E) a municipal court judge.

(b) Information in appraisal records under Section 25.02 is confidential and is available only for the official use of the appraisal district, this state, the comptroller, and taxing units and political subdivisions of this state if:

(1) the information identifies the home address of a named individual to whom this section applies; and

(2) the individual:

(A) chooses to restrict public access to the information on the form prescribed for that purpose by the comptroller under Section 5.07; or

(B) is a federal or state judge, or the spouse of a federal or state judge, beginning on the date the Office of Court Administration of the Texas Judicial System notifies the appraisal district of the judge's qualification for the judge's office.

(c) A choice made under Subsection (b) remains valid until rescinded in writing by the individual.

(d) This section does not prohibit the public disclosure of information in appraisal records that identifies property according to an address if the information does not identify an individual who has made an election under Subsection (b) in connection with the individual's address.

Tax Code § 25.025(a)(9), (10), (a-1), (b)-(d). Section 25.02 of the Tax Code prescribes the information that must be contained within appraisal records. *See id.* § 25.02. You assert, and we agree, Exhibits G and H contain information required to be contained in appraisal records under section 25.02 of the Tax Code. Thus, we conclude that the information at issue consists of appraisal records for purposes of section 25.025(b) of the Tax Code. *See id.* § 25.02(a)(1).

The information at issue includes the names and addresses of the owners of the properties. Upon review, we agree the owners of one of the properties at issue are individuals to whom section 25.025 applies. You state, and provide documentation showing, pursuant to section 25.025 of the Tax Code, these individuals either filed a request for confidentiality which has not been revoked or had the proper notice provided to the district by the Office of Court Administration. Thus, pursuant to subsection (b), the home address at issue is confidential, and you must withhold the information you marked that reveals the home address under section 552.101 on that basis. *See id.* § 25.02(b). However, you have marked as confidential not only the home address at issue, but also the individuals' names. Because the requestor in this case does not seek information concerning a specified address, that statute does not make confidential information that identifies the individual. *Id.* § 25.025(d). Therefore, the district may not withhold individuals' names under section 552.101 on that basis. Further, we find the remaining information at issue does not identify the home address of an individual subject to section 25.025, and thus, the district may not withhold any of the remaining information at issue under section 552.101 of the Government Code in conjunction with section 25.025(b) of the Tax Code.

Section 552.1175 protects the home address, home telephone number, emergency contact information, date of birth, social security number, and family member information of certain individuals, when that information is held by a governmental body in a non-employment capacity and the individual elects to keep the information confidential. *See* Gov't Code § 552.1175. Section 552.1175 applies, in part, to “a current or former district attorney, criminal district attorney, or county or municipal attorney whose jurisdiction includes any criminal law or child protective services matters” and “federal judges and state judges as defined by Section 13.0021, Election Code[.]” *Id.* § 552.1175(a)(5), (13). Some of the remaining information pertains to individuals who are subject to section 552.1175 of the Government Code. Thus, the district must withhold the information we have marked under section 552.1175 of the Government Code if the individuals elected to restrict access to this information in accordance with section 552.1175(b) of the Government Code. However, if the individuals do not elect to restrict access to this information in accordance with section 552.1175(b), then the district may not withhold this information under section 552.1175. Further, we find the district and the district attorney’s office have failed to demonstrate any of the remaining information at issue is confidential under section 552.1175 of the Government Code. Therefore, the district may not withhold any of the remaining information at issue on that basis.

Section 552.137 excepts from disclosure “an e-mail address of a member of the public that is provided for the purpose of communicating electronically with a governmental body,” unless the member of the public consents to its release or the e-mail address is of a type specifically excluded by subsection (c). *Id.* § 552.137(a)-(c). Section 552.137 does not apply to an institutional e-mail address, the general e-mail address of a business, an e-mail address of a person who has a contractual relationship with a governmental body, an e-mail address of a vendor who seeks to contract with a governmental body, an e-mail address maintained by a governmental entity for one of its officials or employees, or an e-mail address provided to a governmental body on a letterhead. *See id.* § 552.137(c). Upon review, we find the information at issue consists of e-mail addresses that are specifically excluded by section 552.137(c). *See id.* Thus, the district may not withhold any of the remaining information at issue under section 552.137 of the Government Code.

In summary, pursuant to section 552.002 of the Government Code, the password information you have marked is not “public information” for purposes of the Act, and the district is not required to release it in response to this request. The district must withhold the information we have indicated under section 552.101 of the Government Code in conjunction with section 25.025(b) of the Tax Code. The district must withhold the information we have marked under section 552.1175 of the Government Code if the individuals elected to restrict access to this information in accordance with section 552.1175(b) 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,

Erin Groff  
Assistant Attorney General  
Open Records Division

EMG/jxd

Ref: ID# 857495

Enc. Submitted documents

c: 2 Requestors  
(w/o enclosures)

Third Party  
(w/o enclosures)