



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

January 14, 2022

Mr. Nicholas E. Goettsche  
Counsel for the Midland Central Appraisal District  
McCreary Veselka Bragg & Allen, P.C.  
Post Office Box 1269  
Round Rock, Texas 78680-1269

OR2022-01329

Dear Mr. Goettsche:

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# 925520.

The Midland Central Appraisal District (the "district"), which you represent, received a request for the registration numbers and appraisal values for any aircraft in Midland County for tax years 2019, 2020, and 2021. Although the district takes no position as to whether the submitted information is excepted under the Act, the district states release of the submitted information may implicate the proprietary interests of AIRPAC, Inc. ("AIRPAC").<sup>1</sup> Accordingly, the district states, and provides documentation showing, it notified AIRPAC of the request for information and of the 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 reviewed the submitted representative sample of information.<sup>2</sup>

Initially, we note the requestor seeks only registration numbers and appraisal values for any aircraft in Midland County for tax years 2019, 2020, and 2021. The district has submitted

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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. *See* Gov't Code § 552.301(e). Nonetheless, because third-party interests can provide a compelling reason to overcome the presumption of openness, we will consider any third-party arguments against release of the submitted information. *See id.* §§ 552.007, .302, .352.

<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.

documents that contain information beyond these specific pieces of information. Thus, the portions of the submitted documents that do not consist of the information requested are not responsive to the present request. This ruling does not address the public availability of any information that is not responsive to the request and the district is not required to release that information in response to the request.

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 AIRPAC explaining why the responsive information should not be released. Therefore, we have no basis to conclude AIRPAC has a protected proprietary interest in the responsive 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 the responsive information on the basis of any proprietary interest AIRPAC may have in the information. As no exceptions to disclosure have been raised, the district must release the responsive 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,

Katie Stallcup  
Assistant Attorney General  
Open Records Division

AKS/be

Ref: ID# 925520

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

1 Third Party  
(w/o enclosures)