



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

August 9, 2022

Ms. Yesica Antu-Sanchez  
Records Management Officer  
Bexar Appraisal District  
411 North Frio Street  
San Antonio, Texas 78207

OR2022-23745

Dear Ms. Antu-Sanchez:

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# 964921 (ORR# 22-21306).

The Bexar Appraisal District (the "district") received a request for the number of homes fitting specified descriptions in a specified subdivision. You state you have released some information to the requestor. You claim a portion of the submitted information is excepted from disclosure under sections 552.101 and 552.149 of the Government Code. You also states release of some of the submitted information may implicate the proprietary interests of Harris Govern ("Harris"). Accordingly, you state, and provide documentation showing, you notified Harris 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 considered the exceptions you claim and reviewed the submitted information.

Initially, you state some of the submitted information was the subject of a previous request for a ruling, as a result of which this office issued Open Records Letter No. 2020-30924 (2020). In that ruling, we determined the district must withhold the information we indicated under section 552.110(b) of the Government Code and release the remaining information. As we have no indication there has been any change in the law, facts, or circumstances on which the previous ruling was based, the district must continue to rely on Open Records Letter No. 2020-30924 as a previous determination and withhold or release the identical information in accordance with that ruling. *See* Open Records Decision No.

673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure).

Next, we note an interested third party is allowed ten business days after the date of its receipt of the governmental body's notice to submit its reasons, if any, as to why info relating to that party should not be released. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this ruling, we have not received comments from Harris. Thus, we have no basis to conclude Harris 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 portion of the submitted information on the basis of any proprietary interest Harris may have in the information.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." *Id.* § 552.101. This section encompasses information protected by other statutes, such as section 22.27 of the Tax Code, which states in pertinent part:

(a) Rendition statements, real and personal property reports, attachments to those statements and reports, and other information the owner of property provides to the appraisal office in connection with the appraisal of the property, including income and expense information related to a property filed with an appraisal office and information voluntarily disclosed to an appraisal office or the comptroller about real or personal property sales prices after a promise it will be held confidential, are confidential and not open to public inspection. The statements and reports and the information they contain about specific real or personal property or a specific real or personal property owner and information voluntarily disclosed to an appraisal office about real or personal property sales prices after a promise it will be held confidential may not be disclosed to anyone other than an employee of the appraisal office who appraises property except as authorized by Subsection (b) of this section.

Tax Code § 22.27(a). You argue some of the information in Exhibit B, which you have marked, is confidential under section 22.27(a). We understand the district it is an appraisal office for purposes of section 22.27. The district states the marked information relates to "real property sales prices and other related information received from a private entity by the chief appraiser." However, you do not inform us which portions of the marked information were provided by property owners under a promise of confidentiality in connection with the appraisal of property. You also do not inform us any of the exceptions in section 22.27(b) apply in this instance. *See id.* § 22.27(b). Thus, to the extent any of the information you have marked in Exhibit B was furnished to the district by property owners under a promise of confidentiality in connection with the appraisal of property, we find the information is confidential under section 22.27(a) of the Tax Code and must be withheld

under section 552.101 of the Government Code. However, to the extent the information was not furnished by property owners under a promise of confidentiality in connection with the appraisal of property, the information is not confidential under section 22.27(a) of the Tax Code and may not be withheld under section 552.101 of the Government Code on that basis.

Next, you claim section 552.149 of the Government Code for any remaining information you have marked. Section 552.149 provides, in relevant part:

(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[.]

Gov't Code § 552.149(a)-(b). You state any remaining information you have marked in Exhibit B consists of "sales information relating to real property sales prices, descriptions, characteristics, and other related information received from a private entity[.]" We understand the requestor is not an owner or an agent of an owner of the properties at issue and you inform us there is no pending protest before an appraisal review board for the tax years at issue. Therefore, we find, to the extent any remaining information you have marked in Exhibit B relates to real property sales and was provided to the district by private entities, it must be withheld under section 552.149(a) of the Government Code. However, to the extent any remaining information you have marked in Exhibit B does not relate to real property sales or was not provided to the district by private entities, it may not be withheld under section 552.149 of the Government Code.

In summary, the district must continue to rely on Open Records Letter No. 2020-30924 as a previous determination and withhold or release the identical information in accordance with that ruling. To the extent any of information you have marked in Exhibit B was furnished to the district by property owners under a promise of confidentiality in connection with the appraisal of property, the district must withhold that information under section 552.101 of the Government Code in conjunction with section 22.27(a) of the Tax Code. To the extent any remaining information you have marked in Exhibit B relates to real property sales and was provided to the district by private entities, the district must withhold that information 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,

Tim Neal  
Assistant Attorney General  
Open Records Division

TN/eb

Ref: ID# 964921

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Third Party  
(w/o enclosures)