



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

August 31, 2022

Mr. Joseph T. Longoria
Counsel for the Montgomery Central Appraisal District
Perdue, Brandon, Fielder, Collins & Mott, L.L.P.
1235 North Loop West, Suite 600
Houston, Texas 77008

OR2022-26466

Dear Mr. Longoria:

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# 967036.

The Montgomery Central Appraisal District (the "district"), which you represent, received a request for all records containing multiple listing service data acquired by the district during a specified time period. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. You further indicate release of the submitted information may implicate the proprietary interests of third parties. Accordingly, we understand you have notified these unnamed third parties of the request for information and of their 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 received comments from Houston Realtors Information Service, Inc. and Texas Realtors. We have considered the submitted arguments and reviewed the submitted representative sample of information.¹

Section 552.149 of the Government Code provides, in part:

¹ 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 that those records contain substantially different types of information than that submitted to this office.

(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). We note the submitted information consists of real property sales information that was obtained by the district from multiple listing services. There is no indication the requestor has a right of access to this information pursuant to section 552.149(b). *See id.* § 552.149(b). Based upon this information and our review, we find the district must withhold the submitted information under section 552.149(a) of the Government Code.²

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/jxd

² As our ruling is dispositive, we need not address the remaining arguments against disclosure of this information.

Ref: ID# 967036

c: Requestor

2 Third Parties