



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 8, 2022

Ms. Elizabeth Conry Davidson
Counsel for the Bexar Appraisal District
100 N.W. Loop, Suite 615
San Antonio, Texas 78216

OR2022-27393

Dear Ms. Davidson:

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# 968100.

The Bexar Appraisal District (the "district"), which you represent, received a request for information pertaining to a named individual and specified property. You claim some of the submitted information is excepted from disclosure under sections 552.101 and 552.1175 of the Government Code. We have considered the exceptions you claim and reviewed the submitted 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." Gov't Code § 552.101. Section 552.101 encompasses section 25.025 of the Tax Code, which states, in pertinent part:

(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[.]

...

(c) A choice made under Subsection (b) remains valid until rescinded in writing by the individual.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, (b)(1)-(2)(A), (c)-(d). Section 25.025(a) sets forth certain categories of individuals who are authorized to make an election of confidentiality pursuant to section 25.025(b). *Id.* § 25.025(a). You assert, based on the request for confidentiality form filed by the property owner at issue, the owner of the property at issue is an individual authorized to make an election of confidentiality pursuant to section 25.025(a) of the Tax Code. You state, and provide documentation showing, the property owner filed a request for confidentiality pursuant to section 25.025 of the Tax Code, and that the request for confidentiality has not been rescinded. However, the requestor asserts the property owner at issue is not among the categories of individuals who are authorized to make an election of confidentiality pursuant to section 25.025 of the Tax Code. Whether the property owner at issue is among the categories of individuals who are authorized to make an election of confidentiality pursuant to section 25.025 is a question of fact. Open Records Decision Nos. 592 at 2 (1991), 552 at 4 (1990), 435 at 4 (1986). This office is unable to resolve disputes of fact in the open records ruling process. Accordingly, we must rely upon the facts alleged to us by the governmental body requesting our opinion, or upon those facts that are discernable for the documents submitted for our inspection. *See* ORD 552 at 4. Thus, pursuant to subsection (b), the home address in the submitted information is confidential. However, in this instance, the requestor has provided the property owner's name and the address of the property at issue. We note section 25.025(d) provides that section 25.025 "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." The appraisal records you have submitted identify an individual who made an election under subsection (b), as well as the individual's home address. Accordingly, when read together, we conclude that subsections (b) and (d) require that the name of the property owner at issue, as well as the property owner's home address, be withheld in order to safeguard the privacy interests that subsection (b) was designed to protect. Therefore, we conclude the district must withhold the submitted information in its entirety under section 552.101 of the Government Code in conjunction with section 25.025(b) of the Tax Code.¹

¹ As our ruling is dispositive, we need not address your remaining argument against disclosure of this 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,

Colin Henry
Attorney
Open Records Division

CEH/mo

Ref: ID# 968100

Enc. Submitted documents

c: Requestor
(w/o enclosures)