



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 29, 2022

Ms. Carol McCord
Senior Legal Counsel, Open Records
Texas Comptroller of Public Accounts
P.O. Box 13528
Austin, Texas 78711-3528

OR2022-30165

Dear Ms. McCord:

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# 972057 (Comptroller ID# 46315).

The Texas Comptroller of Public Accounts (the "comptroller's office") received a request for supporting data related to a specified study.¹ You state you have released some information to the requestor. You claim the submitted information is excepted from disclosure under section 552.101 and 552.149 of the Government Code. Additionally, you state release of the information at issue may implicate the proprietary interests of CoStar Realty Information, Inc. ("CoStar"). Accordingly, you state, and provide documentation demonstrating, you notified CoStar 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.

¹ We note the comptroller's office sought and received clarification of the information requested. *See* Gov't Code § 552.222 (providing if request for information is unclear, governmental body may ask requestor to clarify request); *see also* *City of Dallas v. Abbott*, 304 S.W.3d 380, 387 (Tex. 2010) (holding that when a governmental entity, acting in good faith, requests clarification or narrowing of an unclear or overbroad request for information, the ten-day period to request an attorney general ruling is measured from the date the request is clarified or narrowed).

Section 552.149 of the Government Code provides, in relevant part, as follows:

(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].

Gov't Code § 552.149(a). You state the information at issue consists of information related to real property sales prices, descriptions, characteristics, and other related information received from a private entity. You state section 552.149(b) does not apply to the information at issue. *See id.* § 552.149(b). Accordingly, based on your representations and our review, we find the comptroller's office 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/jm

Ref: ID# 972057

c: Requestor

Third Party

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