



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

October 26, 2022

Ms. S. Michelle King  
Counsel for the McLennan County Appraisal District  
McCreary Veselka Bragg & Allen, P.C.  
P.O Box 1269  
Round Rock, Texas 78680-1269

OR2022-33204

Dear Ms. King:

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# 980678.

The McLennan County Appraisal District (the "district"), which you represent, received a request for twelve categories of information related to specified properties. You state you have released some information to the requestor. You claim the submitted information is excepted from disclosure under section 552.149 of the Government Code. We have considered the exception you claim and reviewed the submitted representative sample of information.<sup>1</sup>

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].
- (b) Notwithstanding Subsection (a), the property owner or the owner's agent may, on request, obtain from the chief appraiser of the applicable appraisal

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

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 the information at issue consists of sales information that was provided to the district by a private entity under confidentiality. Upon review, we find the information at issue is generally confidential under section 552.149(a). However, pursuant to section 552.149(b), a property owner or the owner's designated agent has a right of access to certain information that is otherwise confidential under section 552.149(a). You state the requestor represents a property owner in pending protests of the valuation of their properties by the district. Thus, the requestor may have a right of access to certain information under section 552.149(b) of the Government Code.

As stated above, subsection (b) provides a property owner or the owner's agent a right of access to information described by section 41.461(a)(2) of the Tax Code, information the chief appraiser took into consideration during the appraisal but does not plan to introduce at the hearing on the protest, and comparable sales data from a reasonable number of sales that is relevant to the matter to be determined by the appraisal board. We note section 552.149(b) applies solely to pending protest hearings before an appraisal review board.

You contend the information at issue does not contain information to which the requestor has a right of access pursuant to section 552.149(b). *See id.* § 552.149(b). However, we find, if any of the information at issue pertains to properties for which the district's valuation is under protest by the property owner the requestor represents, then to the extent such information is responsive to the request, the district must release each item of information described by section 41.461(a)(2) of the Tax Code, a copy of each item of information that the chief appraiser took into consideration but does not plan to introduce at the hearings on the protests, and 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 hearings on the property owner's protests and must withhold the remaining information under section 552.149(a) of the Government Code. Conversely, if none of the information at issue pertains to property for which the district's valuation is under protest by the requestor's client, then the information at issue must be withheld under section 552.149(a) of the Government Code.

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/pt

Ref: ID# 980678

Enc. Submitted documents

c: Requestor  
(w/o enclosures)