



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 14, 1995

Mr. Donald R. Boehm
Fiscal and Business Administration
Houston Independent School District
3830 Richmond Avenue
Houston, Texas 77027-5838

OR95-116

Dear Mr. Boehm:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 28920.

The Houston Independent School District (the "school district") received a request for information concerning the proposed purchase of properties in the Lamar Terrace Subdivision. You claim that the requested information is excepted from required public disclosure under sections 552.105 and 552.111 of the Government Code.

Section 552.105 excepts from disclosure:

- (1) the location of real or personal property for a public purpose prior to public announcement of the project; or
- (2) appraisals or purchase price of real or personal property for a public purpose prior to the formal award of contracts for the property.

Section 552.105 is designed to protect a governmental body's planning and negotiating position with regard to particular transactions. Open Records Decision No. 564 (1990). The exception applies to *information* regarding appraisals or purchase price, not only to particular appraisal reports prepared for specific properties. *Id.* at 2. Whether a particular appraisal report falls under section 552.105(2) is a question of fact. This office will accept a governmental body's good faith determination that release of an appraisal report would damage its future negotiating position, unless the contrary is clearly shown as a

matter of law. *Id.* Section 552.105 excepts information pertaining to negotiations for the acquisition of real or personal property until the transaction has been completed. Open Records Decision No. 310 (1982). Once a transaction has been completed, all factual information related thereto is available unless excepted from disclosure by some other provision of the Open Records Act. *Id.*

You have submitted for our review appraisal reports for certain properties under consideration by the school district. You claim that “[a]greements have not been reached with the property owners for purchase of those properties.” Accordingly, you may withhold the requested information from required public disclosure under section 552.105 of the Government Code. As we resolve your request under section 552.105, we need not address the applicability of section 552.111.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay
Assistant Attorney General
Open Government Section

LRD/LBC/rho

Ref: ID# 28920

Enclosures: Submitted documents

cc: Mr. Robert Baumstein
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(w/o enclosures)