



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 26, 1996

Ms. Sandra C. Joseph
Open Records Counsel
Office of the Comptroller
LBJ State Office Building
111 East 17th Street
Austin, Texas 78774

OR96-0406

Dear Ms. Joseph:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 39224.

The Comptroller of Public Accounts (the "Comptroller") received a request for information seeking the asset listings for three businesses in the Brenham School District which were used in a 1995 property value study. You claim that the requested information is excepted from required public disclosure by section 552.101 of the Government Code. You have submitted to this office a representative sample of the requested information for our review.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This section encompasses information protected by other statutes. You assert that section 403.304 of the Government Code makes confidential all information collected by the Comptroller when conducting a study of school district values.

The Comptroller is required to conduct an annual survey of property values in every Texas school district. Gov't Code § 403.302. Section 403.304 of the Government Code provides that

(a) all information the comptroller obtains from a person, other than a government or governmental subdivision or agency, under an assurance that the information will be kept confidential, in the course of conducting a study of school district values is confidential and may not be released except as provided in Subsection (b).

(b) information made confidential by this section may be disclosed:

- (1) in a judicial or administrative proceeding pursuant to a lawful subpoena;
- (2) to the person who gave the information to the comptroller; or
- (3) for statistical purposes if in a form that does not identify specific property or a specific property owner.

Gov't Code § 403.304. You state that the requested information was obtained from property owners while the Comptroller was conducting the 1995 property value study of the Brenham School District. You also express that the Comptroller promises confidentiality when asking for this property information. It also appears from the documents that the requester is not the person who gave the information to the comptroller. Further, the information is in a form that identifies specific property and its owner. In this instance, section 403.304 makes the information confidential. Accordingly, pursuant to section 552.101 the Comptroller must withhold the requested information from disclosure.¹

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 regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



Don Ballard
Assistant Attorney General
Open Records Division

JDB/ch

Ref.: ID# 39224

Enclosures: Submitted documents

¹ In reaching our conclusion here, we assume that 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.

cc: Ms. E. Jeannie Navarro
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(w/o enclosures)