



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 18, 2009

Mr. Joseph T. Longoria
Perdue, Brandon, Fielder, Collins & Mott, L.L.P.
1235 North Loop West, Suite 600
Houston, Texas 77008

OR2009-13177

Dear Mr. Longoria:

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# 355779.

The Collin County Appraisal District (the "district"), which you represent, received a request for the sales information and "comp used to determine [the] 'total market value'" for three specified addresses, including the requestor's address. You state the district will provide the information pertaining to the requestor's address to the requestor. You claim the remaining requested information is excepted from disclosure under section 552.149 of the Government Code.¹ We have considered the exception you claim and reviewed the submitted representative sample of information.²

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

- (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].

¹Although you claim the information is excepted under section 552.148 of the Government Code, we note the 81st Texas Legislature renumbered section 552.148 to section 552.149 of the Government Code. Act of May 12, 2009, 81st Leg., R.S., ch. 87, § 27.001(39), 2009 Tex. Sess. Law Serv. 208, 376.

²We 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.

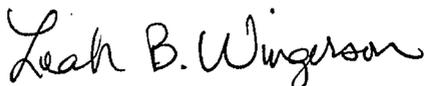
(b) Notwithstanding Subsection (a), the property owner or the owner's agent may, on request, obtain from the chief appraiser of the applicable appraisal district a copy of each item of information described by Section 41.461(a)(2), Tax Code, and a copy of each item of information that the chief appraiser 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). The 81st Texas Legislature amended section 552.149 to limit the applicability of section 552.149(a) to those counties having a population of 20,000 or more. See Act of May 29, 2009, 81st Leg., R.S., ch. 555, § 1 2009 Tex. Sess. Law Serv. 1259, 1260 (to be codified at Gov't Code § 552.149(d)) and Act of June 3, 2009, 81st Leg., R.S., H.B. 2941, § 1 (to be codified at Gov't Code § 552.149(e)). We note that Collin County has a population of 20,000 or more. You state the information at issue consists of sales data and related information obtained from Multiple Listing Services and similar private entities. You acknowledge that a property owner or the owner's designated agent has a right of access to certain information that is confidential under section 552.149(a) of the Government Code. You further state, however, that no protest has been filed regarding the requestor's property. Based on these representations and our review of the submitted information, we agree the district must withhold the information at issue under section 552.149 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 http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Leah B. Wingerson
Assistant Attorney General
Open Records Division

LBW/dls

Ref: ID# 355779

Enc. Submitted documents

c: Requestor
(w/o enclosures)