



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

This ruling has been modified by court action
The ruling and judgment can be viewed in PDF
format below.



ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

January 28, 2010

Mr. Dennis Jean Drouillard
Attorney at Law
111 Soledad, Suite 340
San Antonio, Texas 78205

The ruling you have requested has been amended as a result of litigation and has been attached to this document.

OR2010-01347

Dear Mr. Drouillard:

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# 368574.

The Bexar Appraisal District (the "district"), which you represent, received a request for tax appraisal information of named district employees.¹ You state that some responsive information has been released to the requestor. You further state that the district has no responsive information related to one of the named individuals.² You claim that the submitted information is excepted from disclosure under section 552.117 of the Government Code. We have considered the exception you claim and reviewed the submitted representative sample of information.³

Section 552.117(a)(1) of the Government Code excepts from disclosure the current and former home addresses, telephone numbers, social security numbers, and family member

¹You state, and provide documentation showing, the district sought and received clarification from the requestor. *See* Gov't Code §§ 52.222 (providing that if request for information is unclear, governmental body may ask requestor to clarify request); *see also* Open Records Decision No. 663 (1999) (discussing tolling of deadlines during period governmental body is waiting for clarification).

²The Act does not require a governmental body to release information that did not exist when a request for information was received or to prepare new information in response to a request. *See Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266, 267-68 (Tex. Civ. App.—San Antonio 1978, writ dismissed); Open Records Decision Nos. 605 at 2 (1992), 452 at 3 (1986), 362 at 2 (1983).

³We assume that the "representative sample" of information 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.

information of current or former officials or employees of a governmental body who request that this information be kept confidential under section 552.024 of the Government Code. Gov't Code § 552.117(a)(1). Whether a particular piece of information is protected under section 552.117(a)(1) must be determined at the time the request for it is made. *See* Open Records Decision No. 530 at 5 (1989). In this instance, you argue the tax appraisal information of the district employees at issue should be withheld under section 552.117(a)(1) because it requires the district to cross-reference its own personnel records to identify the responsive records. We note, however, that section 552.117(a)(1) only applies to records that the governmental body holds in its capacity as an employer. *See* Gov't Code § 552.117 (providing that employees of governmental entities may protect certain personal information in the hands of their employer). Upon review, we find that the district holds the requested information in its capacity as tax appraiser of each district employee, rather than in its capacity as employer. Accordingly, we find that section 552.117 is not applicable to the requested information. As no other exceptions are raised, the requested information must be released to the requestor.

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,



Sarah Casterline
Assistant Attorney General
Open Records Division

SEC/eeg

Ref: ID# 368574

Enc. Submitted documents

c: Requestor
(w/o enclosures)

NOTICE SENT: FINAL INTERLOCUTORY NONE DC BK11109 PG726

DISP PARTIES: ALL

DISP CODE: CVID/CLS 4611

REDACT PGS:

JUDGE SHJ CLERK MVM CAUSE NO. D-1-GN-10-000485

BEXAR APPRAISAL DISTRICT,
Plaintiff,

v.

GREG ABBOTT, ATTORNEY GENERAL
OF THE STATE OF TEXAS,
Defendant.

§ IN THE DISTRICT COURT OF
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§
§
§ 353RD JUDICIAL DISTRICT

Filed in The District Court
of Travis County, Texas

APR 18 2011

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2:04
At Annalia Rodriguez-Mendoza, Clerk

AGREED FINAL JUDGMENT

On this date, the Court heard the parties' motion for agreed final judgment. Plaintiff Bexar Appraisal District and Defendant Greg Abbott, Attorney General of Texas, appeared by and through their respective attorneys and announced to the Court that all matters of fact and things in controversy between them had been fully and finally compromised and settled.

After considering the agreement of the parties and the law, the Court is of the opinion that entry of an agreed final judgment is appropriate, disposing of all claims between these parties.

IT IS THEREFORE ADJUDGED, ORDERED AND DECLARED that:

1. In settlement of this dispute, the Bexar Appraisal District and the Attorney General have agreed that in accordance with the PIA and under the facts presented, the information currently at issue, specifically, the appraisal values, notices, and residential addresses for named Bexar CAD employees is confidential under Tex. Gov't Code § 552.117;
2. The appraisal values and appraisal notices for all persons sharing the names submitted by the requestor, without regard to employment status, is public information not confidential under Tex. Gov't Code § 552.117;

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3. In accordance with the PIA, and under the facts presented, the Bexar Appraisal District may withhold the information described in ¶ 1, above.

4. The Bexar Appraisal District will release the information described in paragraph ¶ 2, to the requestor.

5. All costs of court and attorneys' fees are taxed against the party incurring the same;

6. All relief not expressly granted is denied; and

7. This Agreed Final Judgment finally disposes of all claims between Plaintiff and Defendant and is a final judgment.

SIGNED this the 18th day of April, 2011.

[Signature]
PRESIDING JUDGE

APPROVED:

[Signature]
Dennis J. Drouillard
State Bar No. 00793641
Bexar Appraisal District
411 North Frio, Second Floor
San Antonio, Texas 78207
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ATTORNEY FOR PLAINTIFF

[Signature]
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