



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

December 12, 2011

Ms. Bridget Chapman
City Attorney
City of Georgetown
P.O. Box 409
Georgetown, Texas 78627-0409

OR2011-18180

Dear Ms. Chapman:

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# 439087.

The City of Georgetown (the "city") received a request for specified appraisals for tax years 2007, 2008, 2009, 2010, and 2011. You claim that the submitted information is excepted from disclosure under section 552.105 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

We note the submitted information falls within the scope of section 552.022 of the Government Code. Section 552.022(a)(1) provides for required public disclosure of "a completed report, audit, evaluation, or investigation made of, for, or by a governmental body," unless the information is excepted from disclosure under section 552.108 of the Government Code or made confidential under the Act or other law. *See* Act of May 30, 2011, 82nd Leg., R.S., S.B. 602, § 2 (to be codified as an amendment to Gov't Code § 552.022(a)). The submitted information consists of completed appraisal reports that are subject to disclosure under section 552.022(a)(1). Although you raise section 552.105 of the Government Code for the submitted information, that exception is discretionary and does not make information confidential under the Act. *See id.* §§ 3-21, 23-26, 28-37 (providing for "confidentiality" of information under specified exceptions); Open Records Decision No. 665 at 2 n.5 (2000) (discretionary exceptions generally); *cf.* Open Records Decision No. 564 at 2 (1990) (statutory predecessor to Gov't Code § 552.105 "was designed to protect a governmental body's planning and negotiating position with respect to particular

transactions”). Therefore, the submitted appraisal reports may not be withheld under section 552.105 of the Government Code but must instead be released pursuant to section 552.022(a)(1) 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,



Vanessa Burgess
Assistant Attorney General
Open Records Division

VB/dls

Ref: ID# 439087

Enc. Submitted documents

c: Requestor
(w/o enclosures)