



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

June 25, 2012

Mr. Brad Bowman  
General Counsel  
Texas Department of Licensing and Regulation  
P.O. Box 12157  
Austin, Texas 78711

OR2012-09778

Dear Mr. Bowman:

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# 457036 (ORR# 7942).

The Texas Department of Licensing and Regulation (the "department") received a request for all documents pertaining to a specified case number. You claim portions of the submitted information are excepted from disclosure under section 552.149 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

You indicate you received portions of Exhibit 2 from the Madison County Appraisal District (the "district") under the intergovernmental transfer doctrine. This office has concluded information subject to the Act may be transferred between governmental bodies without waiving exceptions to the public disclosure of that information or affecting its confidentiality. *See* Attorney General Opinion JM-590 (1986); Open Records Decision Nos. 655 (1997), 567 (1990), 561 (1990), 516 (1989). These decisions are based on the well-settled policy of this state that governmental agencies should cooperate with each other in the interest of the efficient and economical administration of their statutory duties. *See* ORD 516. You argue the information at issue is excepted from disclosure under section 552.149 of the Government Code because the information is confidential when in the possession of the district. Thus, we first consider whether the information at issue is confidential under section 552.149. Section 552.149 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].

Gov't Code § 552.149(a). The Eighty-Second Texas Legislature amended section 552.149 to limit the applicability of section 552.149(a) to those counties having a population of 50,000 or more. *See id.* § 552.149(e). We note Madison County has a population of less than 50,000.<sup>1</sup> Accordingly, section 552.149 is not applicable to the information at issue. Thus, this information would not be confidential in the possession of the district under section 552.149. Because the information at issue is not confidential under section 552.149, we need not address the applicability of the intergovernmental transfer doctrine to the submitted information. As you raise no other exceptions to disclosure, the submitted information must be released.

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](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,



Michelle R. Garza  
Assistant Attorney General  
Open Records Division

MRG/som

Ref: ID# 457036

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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<sup>1</sup>The population of Madison County was 13,664 in 2010. U.S. Bureau of the Census, State and County Quick Facts, available at <http://quickfacts.census.gov/qfd/states/48/48313.html>.