



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 26, 2012

Mr. Michael B. Gary
Legal Counsel
Harris County Appraisal District
P.O. Box 920975
Houston, Texas 77292-0975

OR2012-18906

Dear Mr. Gary:

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# 471826 (HCAD Ref.# 12-3133).

The Harris County Appraisal District (the "district") received a request for working papers for the 2012 assessed value of a specified account. You claim the submitted information is not subject to the Act. Additionally, you claim that the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered your arguments and reviewed the submitted representative sample of information.¹

Initially, we address your contention that the submitted information is not subject to the Act. The Act applies to "public information," which is defined in section 552.002 of the Government Code as "information that is collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business: (1) by a governmental body; or (2) for a governmental body and the governmental body owns the information or has a right of access to it." Gov't Code § 552.002(a). Thus, information that is collected, assembled, or maintained by a third party may be subject to disclosure under the Act if a governmental body owns the information or has a right of access to it. *Id.* § 552.002(a)(2); *see* Open Records Decision No. 462 at 4 (1987).

¹We 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 those records contain substantially different types of information than that submitted to this office.

You represent the requested information consist of the working papers of an outside appraisal firm the district has contracted with, and thus is not subject to the Act. Section 25.01(c) of the Tax Code provides as follows:

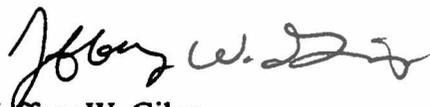
A contract for appraisal services for an appraisal district is invalid if it does not provide that copies of the appraisal, together with supporting data, must be made available to the appraisal district and such appraisals and supporting data shall be public records. "Supporting data" shall not be construed to include personal notes, correspondence, working papers, thought processes, or any other matters of a privileged or proprietary nature.

Tax Code § 25.01(c). You explain that the district has contracted with an outside appraisal firm to provide appraisal services on the account that is the subject of the instant request for information. We understand the requested information consists of working papers maintained solely by the private appraisal firm. An outside appraisal firm is not required to provide this type of information to the district, and the district does not own this information or have a right of access to it. Open Records Decision No. 550 (1990) at n.2. Based on your representations and our review, we agree that the working papers of the outside appraisal firm that are not maintained by the district are not public information subject to required public disclosure under the Act. See Gov't Code § 552.002(a). Thus, the district is not required to release this information in response to this request.²

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,



Jeffrey W. Giles
Assistant Attorney General
Open Records Division

JWG/dls

²As our ruling is dispositive, we need not address your remaining argument against disclosure.

Ref: ID# 471826

Enc. Submitted documents

c: Requestor
(w/o enclosures)