



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 18, 2013

Mr. Joseph T. Longoria
Counsel for Collin County Appraisal District
Perdue, Brandon, Fielder, Collins & Mott, L.L.P.
1235 North Loop West, Suite 600
Houston, Texas 77008

OR2013-16210

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# 498275.

The Collin County Appraisal District (the "district"), which you represent, received a request for all ownership information pertaining to a specified address. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted representative sample of information.¹

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. Section 552.101 encompasses information protected by other statutes. Section 25.025 of the Tax Code states, in pertinent part:

(a) This section applies only to:

¹We assume that 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.

(1) a current or former peace officer as defined by Article 2.12, Code of Criminal Procedure;

...

(b) Information in appraisal records under Section 25.02 is confidential and is available only for the official use of the appraisal district, this state, the [Texas Comptroller of Public Accounts (the "comptroller")], and taxing units and political subdivisions of this state if:

(1) the information identifies the home address of a named individual to whom this section applies; and

(2) the individual chooses to restrict public access to the information on the form prescribed for that purpose by the comptroller under Section 5.07.

(c) A choice made under Subsection (b) remains valid until rescinded in writing by the individual.

(d) This section does not prohibit the public disclosure of information in appraisal records that identifies property according to an address if the information does not identify an individual who has made an election under Subsection (b) in connection with the individual's address.

Tax Code § 25.025(a)(1), (b)-(d). Section 25.02 of the Tax Code prescribes the information that must be contained within appraisal records. *See id.* § 25.02. This information includes the name and address of the owner of the property. *See id.* § 25.02(a)(1). You assert, and we agree, the submitted information contains the information required to be contained in appraisal records under section 25.02 of the Tax Code. Thus, we conclude that the submitted information consists of an appraisal record for purposes of section 25.025(b) of the Tax Code.

You seek to withhold the submitted information under section 552.101 of the Government Code in conjunction with section 25.025(b) of the Tax Code. You inform us that the owner of the property at the specified address is a peace officer. You state, and provide documentation showing, the officer filed a request for confidentiality with the district pursuant to section 25.025 of the Tax Code, and that the request for confidentiality has not been revoked. Thus, pursuant to subsection (b), the information at issue is generally confidential. *See id.* § 25.02(b). However, we note the requestor is a representative of the City of McKinney, Texas, and the requestor is seeking the submitted information in his official capacity for purposes of code enforcement. Section 25.025(b) specifically states "[i]nformation in appraisal records . . . is available . . . for the official use of . . . political

subdivisions of this state[.]” *Id.* § 25.025(b). We further note the submitted election form signed by the peace officer at issue specifically provides that “pursuant to section 25.025, Tax Code, the information will be available for the official use of the appraisal district, the state, the comptroller, taxing units and *political subdivisions of this state.*” (Emphasis added). Thus, the district may not withhold the submitted information from this requestor under section 552.101 of the Government Code in conjunction with section 25.025(b) of the Tax Code. As no further exceptions to disclosure have been raised, the submitted information must be released to this requestor.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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Britni Fabian
Assistant Attorney General
Open Records Division

BF/tch

Ref: ID# 498275

Enc. Submitted documents

c: Requestor
(w/o enclosures)

²We note the information being released in this instance includes information that is confidential with respect to the general public. *See* Tax Code § 25.025(b). Therefore, if the district receives another request for this information from a different requestor, the district must again seek a ruling from this office.