ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 9, 2014

Ms. Catelyn H. Kostbar
Harris County Appraisal District
P.O. Box 920975
Houston, Texas 77292-0975

OR2014-07942

Dear Ms. Kostbar:

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# 522190 (HCAD internal reference no. 13-4127).

The Harris County Appraisal District (the "district") received a request for information pertaining to a specified account. You state you will release some information to the requestor. You claim the submitted information is not subject to the Act. We have considered your argument and reviewed the submitted representative sample of information.[1]

The Act is applicable only to "public information." Gov't Code §§ 552.002, .021. Section 552.002(a) defines "public information" as

> information that is written, produced, collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business:
>
> (1) by a governmental body;

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

> (2) for a governmental body and the governmental body:
>
> > (A) owns the information;
> >
> > (B) has a right of access to the information; or
> >
> > (C) spends or contributes public money for the purpose of writing, producing, collecting, assembling, or maintaining the information; or
>
> (3) by an individual officer or employee of a governmental body in the officer's or employee's official capacity and the information pertains to official business of the governmental body.

Id. § 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).

You represent the submitted information consists of working papers of a private appraisal firm the district has contracted with, and therefore is not subject to the Act. Section 25.01 provides, in relevant part, as follows:

> (c) 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 state the district has contracted with a private appraisal firm to provide appraisal services on the account that is the subject of the instant request. We understand the information at issue 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. *See* Open Records Decision No. 550 at n. 2 (1990). Based on your representations and our review, we agree 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). Therefore, the district is not required to release the information at issue in response to this request.

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,

Paige Thompson
Assistant Attorney General
Open Records Division

PT/dls

Ref: ID# 522190

Enc. Submitted documents

c: Requestor
(w/o enclosures)