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ATTORNEY GENERAL OF TEXAS

August 2, 2016

Mr. James R. Evans, Jr.
Counsel for the Cameron Appraisal District
Hargrove & Evans, LLP
4425 MoPac South
Building 3, Suite 400
Austin, Texas 78735

OR2016-17298

Dear Mr. Evans:

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# 621303 (PID# 208776).

The Cameron Appraisal District (the "district"), which you represent, received a request for information pertaining to a specified property.¹ You state the district has released some information to the requestor. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.155 of the Government Code. We have considered the exceptions you claim and reviewed the submitted representative sample of information.²

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't

¹We note the district sought and received clarification of the information requested. *See* Gov't Code § 552.222 (providing if request for information is unclear, governmental body may ask requestor to clarify request).

²We 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.

Code § 552.101. This section encompasses information protected by other statutes, such as section 22.27 of the Tax Code, which states, in pertinent part:

(a) Rendition statements, real and personal property reports, attachments to those statements and reports, and other information the owner of property provides to the appraisal office in connection with the appraisal of the property, including income and expense information related to a property filed with an appraisal office and information voluntarily disclosed to an appraisal office or the comptroller about real or personal property sales prices after a promise it will be held confidential, are confidential and not open to public inspection. The statements and reports and the information they contain about specific real or personal property or a specific real or personal property owner and information voluntarily disclosed to an appraisal office about real or personal property sales prices after a promise it will be held confidential may not be disclosed to anyone other than an employee of the appraisal office who appraises property except as authorized by Subsection (b) of this section.

Tax Code § 22.27(a). You argue Exhibit B-2 is confidential under section 22.27(a). We understand the district is an appraisal office for purposes of section 22.27. You state the information at issue was obtained by the district from property owners. We note the information at issue does not consist of sales price information. You do not inform us any of the exceptions in section 22.27(b) apply in this instance. *See id.* § 22.27(b). Based on your representations, we find the information at issue was provided by property owners in connection with an appraisal and thus is confidential pursuant to section 22.27 of the Tax Code. Accordingly, the district must withhold Exhibit B-2 under section 552.101 of the Government Code in conjunction with section 22.27 of the Tax Code.

Section 552.155 of the Government Code provides, in relevant part, as follows:

(a) Except as provided by Subsection (b) or (c), a photograph that is taken by the chief appraiser of an appraisal district or the chief appraiser's authorized representative for property tax appraisal purposes and that shows the interior of an improvement to property is confidential and excepted from the requirements of Section 552.021.

Gov't Code § 552.155(a). You state Exhibit B-1 consists of photographs of the interior of the subject property and none of the exceptions in section 552.155(b), (c), or (c-1) apply in this instance. However, you do not explain whether the photographs were taken of an improvement to the property by the chief appraiser of an appraisal district or the chief appraiser's authorized representative for property tax appraisal purposes. Thus, we rule conditionally. To the extent the photographs were not taken of an improvement to the property by the chief appraiser of an appraisal district or the chief appraiser's authorized

representative for property tax appraisal purposes, they are not subject to section 552.155 and the district may not withhold those photographs in Exhibit B-1 on that basis. To the extent the photographs were taken of an improvement to the property by the chief appraiser of an appraisal district or the chief appraiser's authorized representative for property tax appraisal purposes, we find the district must withhold those photographs in Exhibit B-1 under section 552.155 of the Government Code.

In summary, the district must withhold Exhibit B-2 under section 552.101 of the Government Code in conjunction with section 22.27 of the Tax Code. To the extent the photographs in Exhibit B-1 were taken of an improvement to the property by the chief appraiser of an appraisal district or the chief appraiser's authorized representative for property tax appraisal purposes, we find the district must withhold those photographs in Exhibit B-1 under section 552.155 of the Government Code. Any remaining 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.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,



Gerald A. Arismendez
Assistant Attorney General
Open Records Division

GAA/som

Ref: ID# 621303

Enc. Submitted documents

c: Requestor
(w/o enclosures)