



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 9, 1996

Mr. Jay H. Granberry, Jr.
Assistant City Attorney I
City of Bryan
P.O. Box 1000
Bryan, Texas 77805

OR96-2331

Dear Mr. Granberry:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 103207.

The City of Bryan (the "city") received a request for the name, address, and electric rate of the city's utility residential and commercial customers. You state that you have released the requested information as it relates to customers who did not elect to keep that information confidential pursuant to article 1446h, V.T.C.S., but you seek to withhold the addresses of those customers who did elect to keep that information confidential pursuant to article 1446h, V.T.C.S. under section 552.101 of the Government Code.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Article 1446h, V.T.C.S., provides for the confidentiality of certain "personal information," which is defined as an individual's address, telephone number, or social security number, held by a government-operated utility. Under section 2 of article 1446h, a government-operated utility may not disclose an individual's address, telephone number or social security number if the customer has requested that the information be maintained as confidential. Assuming that the city's utility is a government-operated utility as defined in section 1(1), you may not release the addresses of those individual customers that have requested that this information be treated as confidential.¹ Under chapter 552 of the Government Code, the city must release all other responsive information.

¹Article 1446h, V.T.C.S. protects only personal information of a natural person and does not apply to entities such as corporations. Open Records Decision No. 625 (1994). Additionally, the statute only protects the personal information of those individuals who had requested confidentiality as of the time a request for information was received. *Id.*

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Don Ballard
Assistant Attorney General
Open Records Division

JDB/RTR/ch

Ref: ID# 103207

Enclosure: Submitted mailing lists

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