



February 16, 1999

Ms. Lilia Ledesma-Gonzalez  
Assistant City Attorney  
City of McAllen  
P.O. Box 220  
McAllen, Texas 78505-0220

OR99-0450

Dear Ms. Ledesma:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID # 122228.

The City of McAllen (the "city") received a request for an address location on a particular person in order to serve a citation. The city also received a second request for a "utility connect" of another named individual for the same purpose. You contend that the requested information must be withheld in its entirety pursuant to V.T.C.S. article 1446h in conjunction with section 552.101 of the Government Code. We have considered the exception you claim and reviewed the documents at issue.

Section 552.101 excepts "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." V.T.C.S. article 1446h pertains to the confidentiality of certain information about customers of a government-operated utility.<sup>1</sup> In general, article 1446h, section 2, deems confidential "personal information in a customer's account records" if the customer has requested that the governmental body maintain the information as confidential.

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<sup>1</sup>Article 1446h, section 1(1), V.T.C.S., defines "government-operated utility" as an entity that

(A) is a governmental body or is governed by a governmental body, as defined by . . . Article 6252-17a, [V.T.C.S.]; and

(B) provides water, wastewater, sewer, gas, garbage, electricity, or drainage services for compensation.

V.T.C.S. art. 1446h, § 1(1) (footnote omitted).

In Open Records Decision No. 625 (1994), this office determined that article 1446h, section 2 , provides confidentiality only for information relating to natural persons; it does not protect the information of entities such as corporations, partnerships, or other business associations. Open Records Decision No. 625 at 3-4 (1994). "Personal information" means an individual's address, telephone number, and social security number. V.T.C.S. art. 1446h § 1 (2). Therefore, to the extent the requested customer information consists of "personal information" relating to a natural person who has requested that the city maintain the information as confidential, the city must withhold such information from public disclosure pursuant to article 1446h.

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 should 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,

*David Van Brunt Price*  
David Van Brunt Price  
Assistant Attorney General  
Open Records Division

DVP\nc

Ref: ID# 122228

Enclosures: Submitted documents

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(w/o enclosures)