



June 22, 1999

Ms. Elizabeth Elam  
Taylor, Olson, Adkins, Sralla & Elam  
500 Throckmorton Street  
3400 Bank One Tower  
Fort Worth, Texas 76102-3821

OR99-1719

Dear Ms. Elam

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 125225.

The Town of Edgecliff Village (the "town") received a request for "a copy of water customers in Edgecliff Texas." You claim that portions of the requested information are excepted from disclosure under section 552.101 of the Government Code in conjunction with subchapter B of chapter 182 of the Texas Utilities Code. You submit to this office the requested information with the information marked that you contend must be withheld from disclosure. We have considered the exception you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from required public disclosure information that is deemed confidential by law, including information deemed confidential by statute. Section 182.052 of the Utilities Code reads as follows:

- (a) Except as provided by Section 182.054, a government-operated utility may not disclose personal information in a customer's account record if the customer requests that the government-operated utility keep the information confidential.
- (b) A customer may request confidentiality by delivering to the government-operated utility an appropriately marked form provided under Subsection (c)(3) or any other written request for confidentiality.

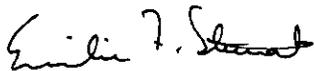
- (c) A government-operated utility shall include with a bill sent to each customer:
  - (d) a notice of the customer's right to request confidentiality under this subchapter;
  - (e) a statement of the amount of any fee applicable to the request;and
  - (f) a form by which the customer may request confidentiality bymarking an appropriate box on the form and returning it to the government-operated utility.

Except as provided in section 182.054,<sup>1</sup> section 182.052 prohibits a "government-operated utility" from disclosing "personal information" in a customer's account records if the customer requests that this information be kept confidential. *See* Open Records Decision No. 625 (1994) (interpreting predecessor provision, V.T.C.S. article 1446h). The provision does not apply to customers that are corporations. *See id.* "Personal information means an individual's address, telephone number, or social security number." Utilities Code §182.051(4).

We agree that the town must not release any "personal information" of those customers who have requested that the information be kept confidential. Information that is not "personal information" as defined in Utilities Code section 182.051(4) is not covered by section 182.052 and must be released. Personal information does not include the number, class, and activity of a customer, and this information must therefore be disclosed.

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.

Sincerely,



Emilie F. Stewart  
Assistant Attorney General  
Open Records Division

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<sup>1</sup>Section 182.054 of the Utilities Code, which does not appear to apply to this request, provides exceptions to the confidentiality of personal information in a customer's account record for certain entities.

EFS\nc

Ref:ID# 125225

Encl: Submitted documents

cc: Mr. Bill Sherman  
6412 Lawndale  
Edgecliff Texas, Texas  
(w/o enclosures)