



September 29, 2000

Mr. Miles K. Risley  
Senior Assistant City Attorney  
Legal Department  
City of Victoria  
P.O. Box 1758  
Victoria, Texas 77902-1758

OR2000-3762

Dear Mr. Risley:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 139761.

The Victoria Water Department (the “department”) received a written request for “a list of individually monitored accounts for your industrial and/or commercial wastewater users.” You contend that portions of the requested information are excepted from disclosure under section 552.101 of the Government Code in conjunction with former article 1446h, V.T.C.S. (codified as section 182.052(a) of the Utilities Code).

Section 552.101 of the Government Code protects “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.” Section 182.052(a) of the Utilities Code provides that, with certain exceptions not applicable here, a government-operated utility must withhold from the public “personal information” contained in a utility customer’s account records if the utility customer has requested that the information be kept confidential.

Section 182.051(4) of the Utilities Code defines “personal information” as “an *individual’s* address, telephone number, or social security number.” (Emphasis added.) Consequently, the department must withhold all “personal information” regarding individuals who have requested that their respective information be withheld in accordance with section 182.052(a). Please note, however, that this section does not apply to information regarding corporations, partnerships, or other business associations. Open Records Decision No. 625 at 3-4 (1994) (interpreting predecessor statute). Consequently, the department may not withhold pursuant to section 182.052(a) any information pertaining to such entities.

This letter ruling is limited to the particular records 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 records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.--Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to the General Services Commission at 512/475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,

A handwritten signature in black ink, appearing to read "Yen-Ha Le".

Yen-Ha Le  
Assistant Attorney General  
Open Records Division

YHL/RWP/ljp

Ref: ID# 139761

Encl. Submitted documents

cc: Mr. Steve Mechler  
Dry Biofilter (DBF) Inc.  
11220 Disco  
San Antonio, Texas 78216  
(w/o enclosures)