



November 16, 2001

Ms. Lisa Aguilar  
Assistant City Attorney  
City of Corpus Christi  
P.O. Box 9277  
Corpus Christi, Texas 78469-9277

OR2001-5306

Dear Ms. Aguilar:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 154977.

The City of Corpus Christi (the “city”) received a request for “[t]he top 10 residential water users and top 10 industrial water users for the past year.” You state that the city has released the information regarding the industrial water users. You claim that the remainder of the requested information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.101 excepts from disclosure “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.” This section encompasses information protected by other statutes. Section 182.052 of the Utilities Code provides in relevant part:

- (a) Except as provided by Section 182.054, a government-operated utility may not disclose personal information in a customer’s account record, or any information relating to the volume or units of utility usage or the amounts billed to or collected from the individual for utility usage, if the customer requests that the government-operated utility keep the information confidential. However, a government-operated utility may disclose information related to the customer’s volume or units of utility usage or

amounts billed to or collected from the individual for utility usage if the primary source of water for such utility was a sole-source designated aquifer.

Util. Code § 182.052(a).<sup>1</sup> You state that the information you have submitted is a report of the water users and amount of usage. You inform us that part of a customer's utility account information includes this information, and that the particular residential utility customers that are the subject of the request for information requested that their city utility account information be kept confidential. We assume that this request for confidentiality by each individual was made prior to the city's receipt of the present information request. None of the exceptions to confidentiality listed in section 182.054 appear to be applicable. Therefore, based on your representations and our review of the submitted information, we conclude that the individual's personal information and any information relating to water usage contained in the submitted document is confidential under section 182.052 of the Utilities Code. *See also* Open Records Decision No. 625 (1994) (construing statutory predecessor).

We note, however, that the phrase "personal information" as used in section 182.052(a) means an individual's address, telephone number, or social security number. *See* Util. Code § 182.051(4). We further note that the submitted information does not contain any addresses, telephone numbers, or social security numbers. Because an individual's name does not meet the definition of personal information, this information is not confidential under section 182.052(a). As you make no other argument for withholding an individual's name, we conclude that the individuals' names must be released.

In summary, assuming that the individual utility customer made his request for confidentiality prior to the city's receipt of the present information request, any information relating to the volume or units of water usage contained in the submitted document is confidential under section 552.101 in conjunction with section 182.052 of the Utilities Code. However, the names of the individual utility customers noted in this document must be released to the requestor.

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

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<sup>1</sup>Amended by Act of June 15, 2001, 77<sup>th</sup> Leg., R.S., S.B. 2, Chapter 966, § 2.59. Formerly sections 2 and 4 of article 1446h, Vernon's Texas Civil Statutes. *See* Act of May 8, 1997, 75<sup>th</sup> Leg., R.S., ch. 166, § 1, 1997 Tex. Gen. Laws 713, 991.

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 Hadassah Schloss at the Texas Building and Procurement 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,



Cindy Nettles  
Assistant Attorney General  
Open Records Division

CN/seg

Ref: ID# 154977

Enc. Submitted documents

c: Mr. John Tedesco  
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(w/o enclosures)