



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

August 10, 2009

Mr. Leonard H. Dougal  
Jackson Walker L.L.P.  
100 Congress Avenue, Suite 1100  
Austin, Texas 78701

OR2009-11093

Dear Mr. Dougal:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 351659.

The College Mound Water Supply Corporation (the "corporation"), which you represent, received two requests for information regarding the corporation's members.<sup>1</sup> Additionally, one of the requestors requested the corporation's bylaws and tariffs. You state the corporation has made some of the requested information available to the requestors. You claim the remaining requested information is excepted from disclosure under sections 552.101 and 552.136 of the Government Code.<sup>2</sup> We have considered the exceptions you claim and reviewed the submitted representative sample of information.<sup>3</sup>

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<sup>1</sup>We note that one of the requestors amended her request to exclude addresses of members who timely elected confidentiality.

<sup>2</sup>Although you did not timely raise section 552.136 of the Government Code, this provision constitutes a compelling reason to withhold information, and we will consider your arguments under this exception. *See* Gov't Code §§ 552.301, .302.

<sup>3</sup>We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This section encompasses information protected by other statutes. Section 182.052 of the Utilities Code provides in relevant part the following:

(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.

(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.

Util. Code § 182.052(a)-(b). "Personal information" under section 182.052(a) of the Utilities Code means an individual's address, telephone number, and social security number, but does not include an individual's name. *Id.* § 182.051(4); *see also* Open Records Decision No. 625 (1994) (construing statutory predecessor). Section 182.052 protects the personal information of natural persons only and not of artificial entities such as corporations, partnerships, or other business associations. ORD 625 at 3-4. We note that a post office box number is not an address for purposes of section 182.052. Water service is included in the scope of utility services covered by section 182.052. Util. Code § 182.051(3). Section 182.054 of the Utilities Code provides six exceptions to the disclosure prohibition found in section 182.052. *See id.* § 182.054.

You state, and provide documentation showing, that some of the customers whose information is at issue timely requested confidentiality for their personal information under section 182.052. You do not indicate that any of the exceptions to confidentiality under section 182.054 apply in this instance. Therefore, to the extent the addresses we have marked relate to customers who timely elected to keep their personal information confidential, the corporation must withhold such information under section 552.101 of the Government Code in conjunction with section 182.052 of the Utilities Code.

You claim the account numbers in the submitted information are excepted under section 552.136 of the Government Code. Section 552.136 states that "[n]otwithstanding any other provision of [the Act], a credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a governmental body is

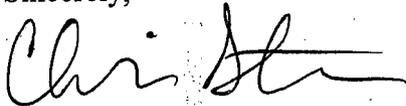
confidential.” Gov’t Code § 552.136(b); *see id.* § 552.136(a) (defining “access device”). The utility account numbers we have marked constitute access device numbers for purposes of section 552.136. Therefore, the corporation must withhold the account numbers we have marked under section 552.136 of the Government Code.

In summary, (1) to the extent the addresses we have marked relate to customers who timely elected to keep their personal information confidential, the corporation must withhold such information under section 552.101 of the Government Code in conjunction with section 182.052 of the Utilities Code; and (2) the corporation must withhold the account numbers we have marked under section 552.136 of the Government Code. The remaining information must be released to the requestors.

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

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at [http://www.oag.state.tx.us/open/index\\_orl.php](http://www.oag.state.tx.us/open/index_orl.php), or call the Office of the Attorney General’s Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,



Christopher D. Sterner  
Assistant Attorney General  
Open Records Division

CDSA/eeg

Ref: ID# 351659

Enc. Submitted documents

c: Requestor (2)  
(w/o enclosures)