



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 1, 2011

Mr. Leonard V. Schneider
Liles Parker, P.L.L.C.
For City of Huntsville
521 North Sam Houston Parkway East, Suite 120
Houston, Texas 77060

OR2011-07710

Dear Mr. Schneider:

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# 419215 (Huntsville# 011-120).

The City of Huntsville (the "city"), which you represent, received a request for the monthly water, sewer, and trash bills for two addresses during specified periods, and for the date of any request for confidentiality related to the two addresses. The requestor has excluded account numbers, social security numbers, and driver's license numbers from his request. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.136 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

As previously noted, the requestor has specifically excluded account numbers, social security numbers, and driver's license numbers from his request. Accordingly, account numbers, social security numbers, and driver's license numbers are not responsive to the request. This ruling does not address the public availability of non-responsive information, and the city need not release information that is not responsive to the request.¹

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Section 552.101 encompasses section 182.052 of the Utilities Code, which provides:

¹Accordingly, we will not address your assertion of section 552.136 for the marked account numbers.

(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.

c) A government-operated utility shall include with a bill sent to each customer:

...

(3) a form by which the customer may request confidentiality by marking an appropriate box on the form and returning it to the government-operated utility.

Util. Code § 182.052(a), (b), (c)(3). "Personal information" under section 182.052(a) means an individual's address, telephone number, and social security number, but does not include the individual's name. *See id.* § 182.051(4); *see also* Open Records Decision No. 625 (1994) (construing statutory predecessor). Water service is included in the scope of utility services covered by section 182.052. Util. Code § 182.051(3).

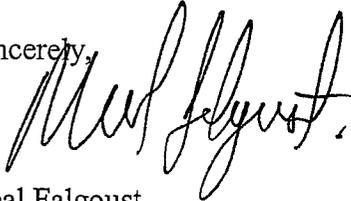
Section 182.052(b) provides the means by which a customer may request confidentiality for his or her personal information, certain utility usage information, and information relating to the amounts billed to or collected from the customer for utility usage. *See id.* § 182.052(a), (b). You state, and provide documentation showing, the customer whose account information is at issue requested confidentiality for her personal information prior to the date the city received the request for information. However, upon review we find the city's election form permits the customer to request confidentiality for only her "personal information," and it does not provide a means for the customer to request confidentiality for her consumption and billing information. Although you seek to withhold the customer's consumption and billing information under section 182.052(a) of the Utilities Code, we find that because the customer did not request confidentiality for this information, the city may not withhold it on that basis. *See* Open Records Decision No. 478 at 2 (1987) (language of confidentiality statute controls scope of protection). Accordingly, the city must withhold only the customer's address and telephone number under section 552.101 of the Government

Code in conjunction with section 182.052(a) of the Utilities Code. As you claim no other exceptions to disclosure, the remaining information must be released.

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, 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, toll free at (888) 672-6787.

Sincerely,



Neal Falgoust
Assistant Attorney General
Open Records Division

NF/dls

Ref: ID# 419215

Enc: Submitted documents

c: Requestor
(w/o enclosures)