



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

July 5, 2011

Mr. Tyler F. Wallach  
Assistant City Attorney  
City of Fort Worth  
1000 Throckmorton Street, Third Floor  
Fort Worth, Texas 76102

OR2011-09437

Dear Mr. Wallach:

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# 423727 (PIR No. W008377).

The City of Fort Worth (the "city") received a request for information relating to a specified address, including records of outstanding utility bills. You claim some of the requested 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 information you submitted.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This exception encompasses information other statutes make confidential. Section 182.052 of the Utilities Code provides in 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). “Personal information” under section 182.052(a) means an individual’s address, telephone number, or social security number. *See id.* § 182.051(4). The names of utility customers are not included in the definition of personal information and thus are not confidential under section 182.052 of the Utilities Code. Water service is included in the scope of utility services encompassed by section 182.052. *See id.* § 182.051(3). Section 182.054 of the Utilities Code provides six exceptions to section 182.052(a)’s prohibition of public disclosure. *See id.* § 182.054. We understand the city’s primary source of water is not a sole-source designated aquifer. You state the submitted information pertains to a water utility customer who requested confidentiality prior to the city’s receipt of the instant request for information. You do not indicate any of the exceptions to confidentiality under section 182.054 of the Utilities Code are applicable in this instance. Based on your representations and our review of the information at issue, we agree the city must withhold the customer’s address and billing information, which you have marked, under section 552.101 of the Government Code in conjunction with section 182.052 of the Government Code.

Section 552.136 of the Government Code provides in part 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”). You have marked a “customer ID” number and a “location ID” number to be withheld under section 552.136. You state the combination of the customer ID and the location ID numbers makes up the customer’s account number. Based on your representation, we conclude the city must withhold the customer and location ID numbers under section 552.136 of the Government Code.

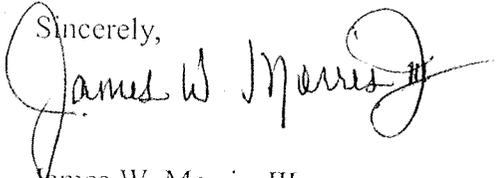
In summary, the city must withhold (1) the utility customer’s address and billing information you have marked under section 552.101 of the Government Code in conjunction with section 182.052 of the Utilities Code and (2) the customer and location ID numbers you have marked under section 552.136 of the Government Code. The city must release the rest of the submitted information.

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

Sincerely,

A handwritten signature in black ink that reads "James W. Morris, III". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

James W. Morris, III  
Assistant Attorney General  
Open Records Division

JWM/em

Ref: ID# 424727

Enc: Submitted documents

c: Requestor  
(w/o enclosures)