



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

October 31, 2011

Ms. Cara Leahy White  
Attorney for City of Southlake  
Taylor Olson Adkins Sralla Elam, LLP  
6000 Western Place, Suite 200  
Fort Worth, Texas 76107-4654

OR2011-15927

Dear Ms. White:

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# 434779.

The City of Southlake (the "city"), which you represent, received two requests regarding the city's top water users: one for the names, addresses, and usage of the city's top ten water users during specified time periods, and one for names and addresses of the top ten commercial and residential water users during specified time periods. You claim portions of the submitted information are excepted from disclosure under section 552.101 of the Government Code. We have considered the claimed exception and reviewed the submitted information.

Initially, we note both requests seek names and addresses, and one request also seeks usage information. However, the information you have submitted also contains account numbers, customer numbers, and notations of confidentiality elections. This information is not responsive to the request. This ruling does not address the public availability of non-responsive information, and the city is not required to release non-responsive information in response to this request.

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 as follows:

(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). Water service is included in the scope of utility services covered by section 182.052. *Id.* § 182.051(3). You inform us the city's primary water source is not a sole-source designated aquifer. "Personal information" under section 182.052(a) means an individual's address, telephone number, or social security number. *See id.* § 182.051(4); *see also* Open Records Decision No. 625 (1994) (construing statutory predecessor). However, because section 182.052 is intended to protect the safety and privacy of individual customers, this statute is applicable only to information pertaining to natural persons, and does not protect information relating to business, governmental, and other artificial entities. *See* ORD 625 at 4-5 (in context of section 182.051(4) of the Utility Code, "individual" means only natural persons and does not include artificial entities). In addition, we note the names of customers are not included in the definition of personal information and therefore are not confidential under section 182.052 of the Utilities Code.

You state the information you have highlighted in the submitted information relates to customers who have requested their accounts be kept confidential. However, some of the customers you have highlighted are commercial entities. Thus, to the extent the highlighted information pertains to commercial entities, it is not confidential pursuant section 182.052 and may not be withheld under section 552.101 on that basis.

We now address the remaining highlighted information pertaining to customers who are natural persons. 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* Util. Code § 182.052(a)-(b). You state, and provide documentation demonstrating, some of the customers at issue requested confidentiality for certain information regarding their accounts prior to the date the city received the request for information. However, you have submitted three different versions of the confidentiality form, which apply to the following information: (1) all personal and usage information as described by section 182.052(a); (2) only "personal information" as defined by section 182.051(4), which includes the customer's address, telephone number, and social security number; or (3) only the customer's address and telephone number. Although you seek to withhold all personal and usage information

for the customers at issue under section 552.101 of the Government Code in conjunction with section 182.052(a) of the Utilities Code, we find that the city may withhold on that basis only the information covered by each customer's particular confidentiality form. We have marked one copy of each version of the confidentiality form with the type of information protected by that form.

In summary, the city must withhold the information specified by the confidentiality forms of customers who are natural persons under section 552.101 of the Government Code in conjunction with section 182.052(a) of the Utilities Code. The remaining responsive information, including all customer names, 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](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,



Tamara H. Holland  
Assistant Attorney General  
Open Records Division

THH/agn

Ref: ID # 434779

Enc. Submitted documents

c: Two Requestors  
(w/o enclosures)