



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

November 4, 2011

Mr. Lawrence Provins  
Assistant City Attorney  
City of Pearland  
3519 Liberty Drive  
Pearland, Texas 77581-5416

OR2011-16262

Dear Mr. Provins:

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# 435675.

The City of Pearland (the "city") received a request for an e-mail from one named individual to another individual concerning the requestor during January/February 2009, all records and paperwork from interviews conducted in August 2009 regarding the requestor, and the billing and payment statements of a named individual from 2009 through 2010. You state the city has released some information to the requestor. You claim portions of the submitted information are 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 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 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) means an individual's address, telephone number, or 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. *Id.* § 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.

In this instance, there is no indication any of the exceptions listed in section 182.054 are applicable. You inform us the primary source of water for the city's utility services is not a sole-source designated aquifer. You also state the utility customers whose information is at issue timely requested confidentiality under section 182.052. Based on your representations and our review of the submitted information, the city must withhold the customers' personal information and billing and usage information, which we have marked, under section 552.101 of the Government Code in conjunction with section 182.052 of the Utilities Code. As note above, however, a customer's name is not included in the definition of personal information, and therefore is not confidential under section 182.052 of the Utilities Code. Upon review, we find the remaining information you have marked does not constitute personal information or information relating to the volume or units of utility usage or the amounts billed to or collected from the individuals for utility usage. Thus, the city may not withhold any of the remaining information under section 552.101 in conjunction with section 182.052 of the Utilities Code. As no further exceptions to disclosure have been raised, 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](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 cursive script that reads "Kirsten Brew". The signature is written in black ink and is positioned above the printed name.

Kirsten Brew  
Assistant Attorney General  
Open Records Division

KB/em

Ref: ID# 435675

Enc. Submitted documents

c: Requestor  
(w/o enclosures)