



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 7, 2012

Mr. Frank J. Garza
For Brownsville Public Utility Board
Davidson, Troilo, Ream & Garza, P.C.
7550 West Interstate 10, Suite 800
San Antonio, Texas 78229

OR2012-08752

Dear Mr. Garza:

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# 455864.

The Brownsville Public Utility Board (the "board"), which you represent, received a request for the logs for a specified time period regarding grease and clogged lines, vector jet truck activities to solve the problems, and the estimated cost of each event. You state some information will be released to the requestor. You claim that the submitted information is 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, such as section 182.052 of the Utilities Code, which provides in relevant 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.

(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, sewer, and drainage services are included in the scope of utility services covered by section 182.052. *Id.* § 182.051(3). “Personal information” under section 182.052(a) is defined as “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). 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).

You assert the information at issue is subject to section 182.052. We note some of the information appears to pertain to businesses or other artificial entities, and not natural persons. As such, the information pertaining to businesses or other artificial entities is not information made confidential by section 182.052, and the board may not withhold such information under section 552.101 of the Government Code on this basis. As to the information pertaining to natural persons, you do not state and we are unable to determine from the submitted information whether the individual customers whose information is at issue timely requested confidentiality under section 182.052. As such, we rule conditionally. To the extent these individual customers whose information is at issue made written requests for confidentiality prior to the board’s receipt of this request for information, the board must withhold the addresses under section 552.101 in conjunction with section 182.052 of the Utility Code. To the extent that the individual customers whose information is at issue did not make written confidentiality requests prior to the board’s receipt of this request, the board must release these addresses. *See* ORD 625 at 7. The remaining information does not constitute personal information for purposes of section 182.052 of the Utilities Code. This information is not confidential under section 182.052, and may not be withheld under section 552.101 of the Government Code on that basis. The board must release the remaining 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, 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,



Jeffrey W. Giles
Assistant Attorney General
Open Records Division

JWG/dls

Ref: ID# 455864

Enc. Submitted documents

c: Requestor
(w/o enclosures)