



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 18, 2012

Ms. Jennafer G. Tallant
Counsel for the City of Jourdanton
Denton, Navarro, Rocha & Bernal
2517 North Main Avenue
San Antonio, Texas 78212-4685

OR2012-14842

Dear Ms. Tallant:

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# 465233.

The City of Jourdanton (the "city"), which you represent, received a request for the city's water meter "Read Account Listing" for a specified time period. You claim some of the requested information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted representative sample of information.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." Gov't Code § 552.101. Section 552.101 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

¹We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

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). We note customer names, meter numbers, meter readings, the number of times utility service has been requested for a property, and account numbers are not "personal information," as defined by section 182.051. *See Util. Code § 182.051(4); see also Open Records Decision No. 649 at 3 (1996) (language of confidentiality provision controls scope of its protection).*

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. Moreover, 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 Open Records Decision No. 625 at 4-5 (1994) (in context of Util. Code § 182.051(4), "individual" means only natural persons and does not include artificial entities).*

You represent the submitted information relates to city utility customers who requested confidentiality under section 182.052. You do not inform us that any of the exceptions listed in section 182.054 are applicable. We understand the city's primary source of water is not a sole-source designated aquifer. We note 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 a customer applying for city utility services is provided the option to keep the customer's address, telephone number, and social security number confidential. You assert the submitted information pertains to accounts which have been coded confidential, but you fail to explain when the individual customers requested confidentiality for their personal information. Further, you do not inform us that the city provides a means for the individuals to request confidentiality for their usage and billing information. Thus, it is not clear whether, or to what extent, the individual customers to whom the information at issue pertains timely requested confidentiality under section 182.052. *See ORD 625 at 7 (character of requested information as public or not public must be determined at time request for information is made).* As such, we rule conditionally.

Thus, to the extent the individual customers concerned made written requests for the confidentiality of their personal information prior to the city's receipt of this request for information, the city must withhold the customers' addresses under section 552.101 of the

Government Code in conjunction with section 182.052 of the Utility Code. But to the extent these customers did not make written confidentiality requests prior to the city's receipt of this request, the city must release their addresses. *See id.* In either event, the city may not withhold any of the remaining information you have marked under section 552.101 on the basis of section 182.052.

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.”² Gov't Code § 552.136(b); *see id.* § 552.136(a) (defining “access device”). Accordingly, the city must withhold the account numbers we have marked under section 552.136 of the Government Code.

In summary, to the extent the individual customers concerned made written requests for confidentiality prior to the city's receipt of this request for information, the city must withhold their addresses under section 552.101 of the Government Code in conjunction with section 182.052 of the Utility Code. The city must withhold the account numbers we 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, 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,



Cindy Nettles
Assistant Attorney General
Open Records Division

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²The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body. *See* Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

Ref: ID# 465233

Enc. Submitted documents

c: Requestor
(w/o enclosures)