



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

February 10, 2016

Ms. Victoria D. Honey
Assistant City Attorney
Office of the City Attorney
City of Fort Worth
1000 Throckmorton Street, 3rd Floor
Fort Worth, Texas 76102-6311

OR2016-03247

Dear Ms. Honey:

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# 597868 (ORR# W047334).

The City of Fort Worth (the "city") received a request for the recording of a named tenant calling the water department claiming to be the requestor in regard to a specified address. The city claims the submitted information is excepted from disclosure under sections 552.101, 552.130, 552.136, and 552.147 of the Government Code. We have considered the claimed exceptions 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 section 182.052 of the Utilities Code, which 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). The scope of utility services covered by section 182.052 includes water, wastewater, sewer, gas, garbage, electricity, or drainage service. *Id.* § 182.051(3). “Personal information” under section 182.052(a) means an individual’s address, telephone number, or social security number, but does not include an individual’s name. *See id.* § 182.051(4); *see also* Open Records Decision No. 625 (1994) (construing statutory predecessor).

The submitted information contains personal information in the requestor’s account record. 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 id.* § 182.052(a), (b). Section 182.052(d) of the Utilities Code states “[a] customer may rescind a request for confidentiality by providing the government-operated utility written permission to disclose personal information.” *Id.* § 182.052(d). It is implicit from the language of this section that the city is not prohibited from releasing the customer’s own personal information if the customer provides permission to do so. *See id.*; *see also id.* § 182.054(5) (personal information may be released to person for whom the customer has contractually waived confidentiality for personal information). As the requestor’s written request encompasses the requestor’s personal information, we conclude the requestor has provided written permission for the city to disclose the requestor’s personal information in this situation. Thus, because the city has permission to do so, it may not withhold the requestor’s personal information under section 552.101 of the Government Code in conjunction with section 182.052 of the Utilities Code.

Section 552.130 of the Government Code provides information relating to a motor vehicle operator’s license, driver’s license, motor vehicle title or registration, or personal identification document issued by an agency of this state or another state or country is excepted from public release. *See Gov’t Code* § 552.130. The submitted information contains an audible driver’s license number. However, section 552.130 protects personal privacy, and we are unable to determine whether this information pertains to the requestor. Accordingly, we must rule conditionally. If the driver’s license number at issue pertains to the requestor, then he has a right of access to this information pursuant to section 552.023 of the Government Code. *See id.* § 552.023(a); ORD 481 at 4. If the driver’s license number does not pertain to the requestor, then the city must withhold it under section 552.130 of the Government Code.

Section 552.136(b) of the Government Code provides, “[n]otwithstanding any other provision of this chapter, 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). However, section 552.136 protects personal privacy. Thus, the

requestor has a right of access to the submitted account number pursuant to section 552.023 of the Government Code. *See id.* § 552.023(a); ORD 481 at 4.

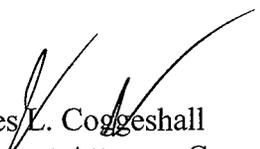
Section 552.147(b) of the Government Code authorizes a governmental body to redact a living person's social security number from public release without the necessity of requesting a decision from this office under the Act. *See Gov't Code* § 552.147(b). The submitted information contains an audible social security number. However, section 552.147 protects personal privacy, and we are unable to determine whether this information pertains to the requestor. Accordingly, we must rule conditionally. If the social security number at issue pertains to the requestor, then he has a right of access to this information pursuant to section 552.023 of the Government Code. *See id.* § 552.023(a); ORD 481 at 4. If the social security number does not pertain to the requestor, then the city may withhold it under section 552.147 of the Government Code.

To conclude, the city must withhold the audible driver's license number under section 552.130 of the Government Code and may withhold the audible social security number under section 552.147 of the Government Code, unless the requestor has a right of access to this information pursuant to section 552.023 of the Government Code. The city must release the remaining information.¹

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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



James L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/bhf

¹Because the requestor has a special right of access to some of the information being released, the city must again seek a decision from this office if it receives another request for the same information from another requestor.

Ref: ID# 597868

Enc. Submitted documents

c: Requestor
(w/o enclosures)