



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

April 17, 1996

Mr. Ben A. Solis  
President, Board of Directors  
Harris County Fresh Water Supply District No. 61  
1100 Louisiana Street, Suite 400  
Houston, Texas 77002-5211

OR96-0561

Dear Mr. Solis:

You have asked whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 39111.

The Harris County Fresh Water Supply District No. 61 (the "district") received a request for a mailing list of the residents of the district. You have submitted a representative sample of mailing labels, which include the names and addresses of customers of the district. You ask whether the requested information is excepted from disclosure under chapter 552 of the Government Code and pursuant to article 1446h, V.T.C.S.

Article 1446h, V.T.C.S., provides for the confidentiality of certain "personal information," which is defined as an individual's address, telephone number, or social security number, held by a government-operated utility. Under section 2 of article 1446h, a government-operated utility may not disclose an individual's address, telephone number or social security number, if the customer has requested that the information be maintained confidential. In response to the request at issue, the district, which appears to be a government-operated utility as defined in section 1(1), may not release the addresses of those individual customers that have requested that this information be maintained confidential.<sup>1</sup> Under chapter 552 of the Government Code, the district must release all other responsive addresses.

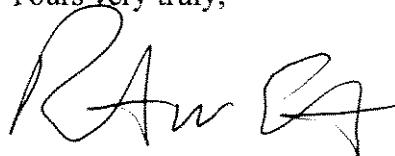
---

<sup>1</sup>Article 1446h, V.T.C.S., protects only personal information of a natural person and does not apply to entities such as corporations. Open Records Decision No. 625 (1994). Additionally, the statute only protects the personal information of those individuals who had requested confidentiality as of the time

You also ask whether the district may adopt an order providing for the confidentiality of personal information of all customers, regardless of whether the customer has made a specific request that the information be kept confidential under article 1446h, V.T.C.S. A governmental body may not, through administrative rules or orders, amend the Open Records Act by creating new exceptions. *Industrial Found. of the South v. Texas Indus. Accident Bd.*, 540 S.W.2d 668, 677 (Tex. 1976), *cert. denied*, 430 U.S. 930 (1977). Absent specific statutory authority, a governmental body may not promulgate a rule designating information as confidential. *Id.*, *see also* Open Records Decision Nos. 527 (1989) at 6, 479 (1987) at 1-2.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Robert W. Schmidt  
Assistant Attorney General  
Open Records Division

RWS/rho

Ref.: ID# 39111

Enclosure: Submitted mailing lists

cc: Ms. Barbara Verzwyvelt  
1306 Advance  
Houston, Texas 77065  
(w/o enclosure)

---

(Footnote continued)

a request for information was received. *Id.* Finally, as you note in your letter to this office, the requestor does not appear to fall within one of the exceptions in section 5 of the statute.