OFFICE OF THE ATTORNEY GENERAL · STATE OF TEXAS
JOHN CORNYN

April 16, 1999

Ms. Lilia Ledesma-Gonzalez
Assistant City Attorney
City of McAllen
P.O. Box 220
McAllen, Texas 78505-0220

OR99-1037

Dear Ms. Ledesma-Gonzalez:

You ask whether certain information is subject to required public disclosure under the Texas Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 123380.

The City of McAllen (the "city") received an open records request for the name of the "utility subscriber" at a particular address. You contend the requested information is excepted from required public disclosure pursuant to section 552.101 of the Government Code.

Section 552.101 of the Government Code protects "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Section 182.052(a) of the Utility Code (former V.T.C.S. art. 1446h, §§ 2, 4) provides that, with certain exceptions, a government-operated utility must withhold from the public "personal information" contained in a utility customer's account records if the utility customer has requested that the information be kept confidential. Section 182.051(4) of the Utility Code defines "personal information" as "an individual's address, telephone number, or social security number." Because the requestor is seeking information that falls outside the definition of "personal information," we conclude that section 182.052(a) is inapplicable in this instance. We therefore conclude that the city must release the utility customer's name to the requestor.

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 should not be relied upon as a previous determination

regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/RWP/ch

Ref.: ID# 123380

encl. Submitted documents

cc: Mr. Stephen Spen
328 Fourth Street
Comfort, Texas 78013
(w/o enclosures)