



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

March 27, 2009

Ms. Cheryl K. Byles  
Assistant City Attorney  
City of Fort Worth  
1000 Throckmorton Street, 3<sup>rd</sup> Floor  
Fort Worth, Texas 76102

OR2009-03973

Dear Ms. Byles:

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# 338440 (Fort Worth Public Information Request No. 1421-09).

The City of Fort Worth (the "city") received a request for information pertaining to water and sewage charges at a specific apartment complex for a specified time period. You claim that the submitted information is excepted from disclosure under sections 552.101 and 552.136 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Initially, we note that you have only submitted information pertaining to water and sewage charges incurred between December 10, 2007, and January 7, 2008. However, the requestor asked for the charges between December 2007 and January 2008. Thus, to the extent any additional information responsive to the request existed on the date the city received the request, we assume you have released it. If you have not released any such information to the requestor, you must do so at this time. *See* Gov't Code §§ 552.301(a), .302; *see also* Open Records Decision No. 664 (2000) (if governmental body concludes that no exceptions apply to requested information, it must release information as soon as possible).

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 exception encompasses information that other statutes make confidential, such as section 182.052 of the Utilities Code, which provides in 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). "Personal information" under section 182.052(a) means an individual's address, telephone number, and social security number. *See id.* § 182.051(4); *see also* Open Records Decision No. 625 (1994) (construing statutory predecessor). Water, sewer, garbage collection, and electricity services are included in the scope of utility services covered by section 182.052. Util. Code § 182.051(3). Section 182.054 of the Utilities Code provides six exceptions to the disclosure prohibition found in section 182.052. *See id.* § 182.054. We note that section 182.052 protects the personal information of natural persons only and not of artificial entities such as corporations, partnerships, or other business associations. *See* ORD 625 at 3-4.

We understand that the primary source of water for the city's utility services is not a sole-source designated aquifer. You state that the information you have highlighted in blue pertains to an individual who timely requested confidentiality under section 182.052. However, upon review, it appears that the customer at issue is WMC Management Company, LLC, a corporation and not a natural person. Thus, to the extent the customer is a corporation, none of the information you have highlighted in blue is confidential under section 182.052 of the Utilities Code, and the city may not withhold any of this information under section 552.101 of the Government Code. To the extent the customer at issue is a natural person, the city must withhold the information you have highlighted in blue, as well as the additional information we have marked, under section 182.052 of the Utilities Code.

Next, you claim that the account numbers in the submitted information are excepted under section 552.136 of the Government Code. Section 552.136 states 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." Gov't Code § 552.136(b); *see id.* § 552.136(a) (defining "access device"). The

utility account numbers you have highlighted in yellow constitute access device numbers for the purposes of section 552.136. Thus, the city must withhold the account numbers you have highlighted in yellow under section 552.136.

To the extent the customer at issue is a corporation, the city may not withhold the information you have highlighted in blue under section 552.101 of the Government Code in conjunction with section 182.052 of the Utilities Code. To the extent the customer at issue is a natural person, the city must withhold the information you have highlighted in blue, as well as the additional information we have marked, under section 552.101 of the Government Code in conjunction with section 182.052 of the Utilities Code. The city must withhold the account numbers you have highlighted in yellow under section 552.136. The remaining information must be released.

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](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 at (512) 475-2497.

Sincerely,



Laura E. Ream  
Assistant Attorney General  
Open Records Division

LER/jb

Ref: ID# 338440

Enc. Submitted documents

cc: Requestor  
(w/o enclosures)