



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

December 16, 2009

Mr. Warren M. S. Ernst
Chief, General Counsel Division
City of Dallas
1500 Marilla Street Room 7BN
Dallas, Texas 75201

OR2009-17798

Dear Mr. Ernst:

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# 364946.

The City of Dallas (the "city") received a request for the new address of a named individual. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially, we note the requestor seeks only the new address of the named individual. Accordingly, we conclude only the named individual's new address is responsive to the present request for information. This ruling does not address the public availability of the remaining information that is not responsive to the request, and the city need not release that information in response to this request.

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 information protected by other statutes. Section 182.052 of the Utilities Code 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). "Personal information" under section 182.052(a) means an individual's address, telephone number, or social security number. *See id.* § 182.051(4); *see also* Open Records Decision No. 625 (1994) (construing statutory predecessor). Water service is 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.

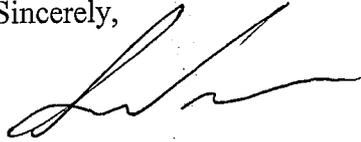
You state the responsive information is contained in an account record of a customer who has an account for water services with the city and has requested confidentiality under section 182.052. We note the information reflects the individual is a residential customer. You do not indicate any of the exceptions to confidentiality under section 182.054 apply in this instance; however, you have not informed our office, and we are unable to determine from the information provided, whether the named individual elected confidentiality prior to the date on which the city received the current request. Thus, if the named individual requested confidentiality prior to the date the city received the present request, we determine his new address is confidential under section 182.052 of the Utilities Code and must be withheld under section 552.101 of the Government Code. *See* Open Records Decision No. 625 (1994) (construing statutory predecessor). However, if the named individual did not request confidentiality prior to the date the city received the present request, his new address is not confidential under section 182.052 of the Utilities Code and may not be withheld under section 552.101 of the Government Code on such basis. In that case, the named individual's new address must be released as you raise no further exceptions against disclosure.

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,



Ana Carolina Vieira
Assistant Attorney General
Open Records Division

ACV/eeg

Ref: ID# 364946

Enc. Submitted documents

c: Requestor
(w/o enclosures)