



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

January 25, 2013

Ms. Michele Tapia  
Assistant City Attorney  
Office of the City Attorney  
City of Carrollton  
1945 East Jackson Road  
Carrollton, Texas 75006

OR2013-01478

Dear Ms. Tapia:

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# 477090 (ORR# UB-12).

The City of Carrollton (the "city") received a request for records of all currently disconnected water connections for single- or double-family residences, including the addresses, dates of disconnection, and appraisal district account numbers. You state you have notified the requestor the appraisal district maintains the account numbers to which he seeks access.<sup>1</sup> You claim some of the remaining requested information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the information you submitted.<sup>2</sup>

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<sup>1</sup>We note the Act does not require a governmental body to release information that did not exist when it received a request or create responsive information. *See Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.—San Antonio 1978, writ dismissed); Open Records Decision Nos. 605 at 2 (1992), 555 at 1 (1990), 452 at 3 (1986), 362 at 2 (1983).

<sup>2</sup>This letter ruling assumes the submitted representative sample of information is truly representative of the requested information as a whole. This ruling neither reaches nor authorizes the city to withhold any information that is substantially different from the submitted information. *See Gov't Code* §§ 552.301(e)(1)(D), .302; Open Records Decision Nos. 499 at 6 (1988), 497 at 4 (1988).

We first note the requestor only seeks access to the addresses and disconnection dates of customers whose water service is disconnected. Therefore, the rest of the submitted information is not responsive to the present request. This decision does not address the public availability of information that is not responsive to the request, and the city need not release such information in response to the request.

Section 552.101 of the Government Code exempts 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 made confidential by other statutes, including 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, or social security number. *See id.* § 182.051(4); *see also* Open Records Decision No. 625 (1994) (construing statutory predecessor). As it is intended to protect the safety and privacy of individual customers, section 182.052 is applicable only to information pertaining to natural persons and does not protect information relating to business, governmental, and other artificial entities. *See* ORD 625 at 4-5 (in context of Util. Code § 182.051(4), "individual" means only natural persons and does not include artificial entities). We note water service is included in the scope of utility services covered by section 182.052. *See* 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.

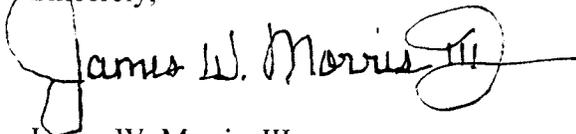
Although you indicate some of the customers to whom the responsive information pertains have requested confidentiality for their personal information, you do not inform us whether the customers concerned are natural persons or whether they requested confidentiality prior to the city's receipt of the present request for information. Nevertheless, we will rule conditionally. Thus, to the extent the responsive information pertains to customers who are natural persons and who requested confidentiality for their personal information prior to

the city's receipt of the request, any such customers' addresses are confidential under section 182.052 of the Utilities Code and must be withheld from disclosure on that basis under section 552.101 of the Government Code. To the extent the customers to whom the responsive information pertains either are not natural persons or did not timely request confidentiality for their personal information, their addresses may not be withheld from disclosure under section 552.101 on the basis of section 182.052 and must be released. In either event, we note the requested dates of disconnection are not personal information for purposes of section 182.052(a). *See id.* § 182.051(4); Open Records Decision No. 649 at 3 (1996) (language of confidentiality provision controls scope of its protection). We therefore conclude the dates of disconnection may not be withheld under section 552.101 on the basis of section 182.052 and 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, toll free at (888) 672-6787.

Sincerely,

A handwritten signature in black ink that reads "James W. Morris III". The signature is written in a cursive style with a large, stylized initial "J" and a long horizontal flourish extending to the right.

James W. Morris, III  
Assistant Attorney General  
Open Records Division

JWM/bhf

Ref: ID# 477090

Enc. Submitted documents

c: Requestor  
(w/o enclosures)