



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 16, 2013

Ms. Patrice Fogarty
City Secretary
City of La Porte
604 West Fairmont Parkway
La Porte, Texas 77571

OR2013-12103

Dear Ms. Fogarty:

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# 493260 (City File: ORR 111-13).

The City of La Porte (the "city") received a request for the water bills of a specified address from a specified time period. 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 representative sample of information.¹

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

¹We understand the city has submitted a "representative sample" of information, which we assume is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent those records contain substantially different types of information than those submitted to this office.

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). Section 182.054 of the Utilities Code provides six exceptions to the disclosure prohibition found in section 182.052. *See id.* § 182.054. "Personal information" under section 182.052(a) of the Utilities Code means an individual's address, telephone number, or social security number. *Id.* § 182.051(4); *see also* Open Records Decision No. 625 (1994) (construing statutory predecessor). We note that the names of customers are not included in the definition of personal information, and therefore are not confidential under section 182.052 of the Utilities Code. A customer's request for confidentiality must precede the utility's receipt of the request for information. ORD 625 at 6. Water service is included in the scope of utility services covered by section 182.052. *See* Util. Code § 182.051(3).

You state, and provide documentation demonstrating, the customer at issue timely requested confidentiality of his information under section 182.052. In this instance, there is no indication any of the exceptions listed in section 182.054 apply. You inform us the city's primary source of water is not a sole-source designated aquifer. Accordingly, the city must withhold the personal and billing information we have marked under section 552.101 of the Government Code in conjunction with section 182.052 of the Utilities Code. However, the remaining information does not constitute personal information or information relating to volume or units of utility usage. Accordingly, none of the remaining information is subject to section 182.052, and the city may not withhold it under section 552.101 on that basis. As you raise no further exceptions to disclosure, 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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,

A handwritten signature in black ink, appearing to read "Sean Nottingham".

Sean Nottingham
Assistant Attorney General
Open Records Division

SN/tch

Ref: ID# 493260

Enc. Submitted documents

c: Requestor
(w/o enclosures)