



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 21, 2014

Mr. Jeffrey T. Ullman
Counsel for the City of Leander
Knight & Partners Attorneys at Law
223 West Anderson Lane, Suite A-105
Austin, Texas 78752

OR2014-21266

Dear Mr. Ullman:

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# 545833.

The City of Leander (the "city"), which you represent, received a request for the water bills and payment records for a specified address during 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 information.

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). The scope of utility services covered by section 182.052 includes water. 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.

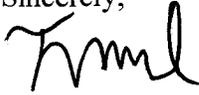
You raise section 552.101 of the Government Code in conjunction with section 182.052 of the Utilities Code for the submitted information. You inform us the information at issue pertains to a utility customer who has elected to keep her consumption, billing, and personal information protected. We note the customer’s election form, which you have provided to our office, reflects this customer timely requested confidentiality under section 182.052 for her information. You state none of the exceptions to confidentiality under section 182.054 apply in this instance. You do not inform us whether the city’s primary source of water is a sole-source designated aquifer. Accordingly, if the city’s primary source of water is not a sole-source designated aquifer, then the city must withhold the information we have marked under section 552.101 of the Government Code in conjunction with section 182.052 of the Utility Code. If the city’s primary source of water is a sole-source designated aquifer, then the city has the discretion to release the information we have marked, notwithstanding the customer’s request for confidentiality. The remaining information does not constitute personal information, information relating to the volume or units of utility usage, or the amounts billed to or collected from an individual for utility usage. *See id.* § 182.051(4); *see also* ORD 625. Therefore, 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 city must release the remaining information.

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 "Tim Neal". The signature is stylized with a large initial "T" and a cursive "Neal".

Tim Neal
Assistant Attorney General
Open Records Division

TN/bhf

Ref: ID# 545833

Enc. Submitted documents

c: Requestor
(w/o enclosures)