



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 17, 2015

Mr. Ross J. Radcliffe
Counsel for the Parkway Utility District
Radcliffe Bobbitt Adams Polley PLLC
1001 McKinney Street, Suite 1000
Houston, Texas 77002-6424

OR2015-07516

Dear Mr. Radcliffe:

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# 560742.

The Parkway Utility District (the "district"), which you represent, received a request for all rate payer addresses within the district. 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

Initially, we note the requestor only seeks the addresses of rate payers within the district. Accordingly, the rate payers' names and their confidentiality elections are not responsive to the request for information. This ruling does not address the public availability of non-responsive information, and the district is not required to release non-responsive information in response to this request.

¹We assume that the "representative sample" of records submitted to this office 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 that those records contain substantially different types of information than that submitted to this office.

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 section 182.052 of the Utilities Code, which 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) includes an individual’s address, but does not include the individual’s name. *See id.* § 182.051(4); *see also* Open Records Decision No. 625 (1994) (construing statutory predecessor). We note section 182.052 is intended to protect the safety and privacy of individual customers. Accordingly, this statute is applicable to only 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 section 182.051(4) of the Utilities Code, “individual” means only natural persons and does not include artificial entities). We note water, wastewater, and sewer services are included in the scope of utility services covered by section 182.052. *See* Util. Code § 182.051(3).

You contend the information at issue is subject to section 182.052. We note one of the addresses at issue pertains to a business or other artificial entity, and not a natural person. As such, the information pertaining to this business or other artificial entity, which we have marked for release, is not information made confidential by section 182.052, and the district may not withhold such information under section 552.101 of the Government Code on this basis. As to the information pertaining to natural persons, you indicate the individuals at issue made written requests for confidentiality under section 182.052. Accordingly, with the exception of the address we have marked for release, the district must withhold the addresses of the customers at issue under section 552.101 in conjunction with section 182.052 of the Utilities Code. *See* ORD 625 at 7 (character of requested information as public or not public must be determined at time request for information is made). As you raise no further exceptions to disclosure, the district must release the remaining responsive 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,



Tim Neal
Assistant Attorney General
Open Records Division

TN/bhf

Ref: ID# 560742

Enc. Submitted documents

c: Requestor
(w/o enclosures)