



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

May 11, 2015

Mr. Eddie Lucio III
Counsel for the Agua Special Utility District
Beatty Bangle Strama PC
1805 East Ruben Torres Boulevard, Suite B-27
Brownsville, Texas 78526

OR2015-09058

Dear Mr. Lucio:

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# 563043.

The Agua Special Utility District (the "district"), which you represent, received a request for all names and addresses of residences within a specified city and a specified ZIP code. 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 only seeks information related to addresses in a specified city and a specified ZIP code. Accordingly, the information related to addresses in other cities and/or ZIP codes is not responsive to the instant 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.

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. Section 552.101 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) means an individual's address, telephone number, or social security number, 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 a post office box number is not an address for the purposes of section 182.052. Water, sewer, garbage collection, and electrical services are 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.

You state the responsive information pertains to customers who timely requested confidentiality under section 182.052 for their personal information. You do not indicate, and it does not otherwise appear, any of the exceptions to confidentiality under section 182.054 apply in this instance. Therefore, with the exception of post office box numbers, the district must withhold the addresses of the customers you have highlighted who made written requests for confidentiality under section 552.101 in conjunction with section 182.052. *See* ORD 625 at 7 (character of requested information as public or not public must be determined at time request for information is made). However, we note a customer's name is not included in the definition of personal information, and therefore is not confidential under section 182.052 of the Utilities Code. *See* Open Records Decision No. 649 at 3 (1996) (language of statutory confidentiality provision controls scope of its protection). Therefore, the district may not withhold the names you have highlighted under section 552.101 of the Government Code in conjunction with section 182.052 of the Utilities Code. 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,

A handwritten signature in black ink, appearing to read 'Tim Neal', written in a cursive style.

Tim Neal
Assistant Attorney General
Open Records Division

TN/bhf

Ref: ID# 563043

Enc. Submitted documents

c: Requestor
(w/o enclosures)