



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

December 21, 2015

Mr. Gilbert L. Vasquez  
Counsel for the City of San Juan  
The Vasquez Law Firm  
814 Del Oro Lane  
Pharr, Texas 78577

OR2015-26826

Dear Mr. Vasquez:

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# 591840.

The City of San Juan (the "city"), which you represent, received a request for a list of city residents. You claim the requested 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.<sup>1</sup>

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 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

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<sup>1</sup>We assume 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.

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) is defined as "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). Water service is included in the scope of utility services covered by section 182.052. Util. Code § 182.051(3).

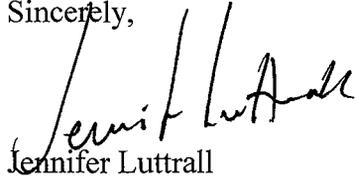
You state the submitted information consists of the names and addresses of water utility customers. Because the name of a utility customer is not included in the definition of personal information under section 182.051(4), the submitted names of customers are not confidential under section 182.052 of the Utilities Code. *See id.* § 182.051(4). In regard to the submitted customers' addresses, you inform us the city has not previously sent its customers "a notice and form expressing the customer's rights to request confidentiality under" section 182.052. Thus, the city represents it had not received a customer election of confidentiality of any customer on the date it received the request for information. Accordingly, because the customers at issue did not elect to withhold their personal information prior to the date the city received the request for information, the submitted addresses are not confidential under section 182.052 of the Utilities Code. *See id.* § 182.052; ORD 625 at 7 (character of requested information as public or not public must be determined at time request for information is made). Therefore, the city may not withhold any of the submitted information under section 552.101 of the Government Code in conjunction with section 182.052. Accordingly, the city must release the submitted information to the requestor.

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](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 "Jennifer Luttrall". The signature is written in a cursive style with a large initial "J".

Jennifer Luttrall  
Assistant Attorney General  
Open Records Division

JL/akg

Ref: ID# 591840

Enc. Submitted documents

c: Requestor  
(w/o enclosures)