



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

May 25, 2016

Mr. Jonathan T. Koury  
Assistant City Attorney  
City of Bryan  
P.O. Box 1000  
Bryan, Texas 77805

OR2016-12003

Dear Mr. Koury:

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# 611623.

The City of Bryan (the "city") received a request for the monthly water and sewer bills and water and sewer rates or charts over a specified period of time for the Saint Joseph Regional Health Center (the "health center"). You claim the submitted information is excepted from disclosure under sections 552.101 and 552.136 of the Government Code. Additionally, you state release of this information may implicate the interests of a third party. Accordingly, you state, and provide documentation showing, you have notified the health center of the request for information and of its right to submit arguments to this office as to why the requested information should not be released. *See* Gov't Code § 552.304 (interested third party may submit comments stating why information should or should not be released). We have not received comments from the health center. We have considered the raised argument and reviewed the submitted representative sample of information.<sup>1</sup>

Section 552.101 of the Government Code excepts "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101.

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<sup>1</sup>This letter ruling assumes the submitted representative sample of information is truly representative of the requested information as a whole. This ruling does not reach, and therefore does not authorize the withholding of, any other requested information to the extent that the other information is substantially different than that submitted to this office. *See* Gov't Code §§ 552.301(e)(1)(D), .302; Open Records Decision Nos. 499 at 6 (1988), 497 at 4 (1988).

Section 552.101 encompasses information protected by section 17.004 of the Utilities Code. Section 17.004 provides in part that “[a]ll buyers of telecommunications and retail electric services are entitled to . . . privacy of customer consumption and credit information[.]” Util. Code § 17.004(a)(6). However, we note section 17.004 of the Utilities Code relates to telecommunications and electric services and the information at issue in the instant request relates to water and sewer services. Accordingly, we find you have not demonstrated the information at issue relates to information subject to section 17.004 of the Utilities Code. Consequently, the city may not withhold any portion of the submitted information under section 552.101 of the Government Code in conjunction with section 17.004 of the Utilities Code.

Section 552.136 of the Government Code states that “[n]otwithstanding any other provision of [the Act], a credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a governmental body is confidential.” Gov’t Code § 552.136(b). An access device number is one that may be used to “(1) obtain money, goods, services, or another thing of value; or (2) initiate a transfer of funds other than a transfer originated solely by paper instrument.” *Id.* § 552.136(a). Upon review, we find the information we have marked constitutes access device numbers for purposes of section 552.136. Thus, the city must withhold the information we have marked under section 552.136 of the Government Code. As no further exceptions to disclosure have been raised, the city must release the remaining 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 "J. Behnke", with a long horizontal line extending to the right.

Joseph Behnke  
Assistant Attorney General  
Open Records Division

JB/som

Ref: ID# 611623

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Third Party  
(w/o enclosures)