



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

January 4, 2017

Ms. Alexis G. Allen  
Counsel for the City of Seagoville  
Nichols, Jackson, Dillard, Hager & Smith  
1800 Ross Tower  
500 North Akard Street  
Dallas, Texas 75201

OR2017-00248

Dear Ms. Allen:

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# 640293 (File # 80764).

The City of Seagoville (the "city"), which you represent, received a request for the address and date of disconnection for all residential properties where water service was disconnected for 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.

Initially, we note the requestor only seeks the addresses and disconnection dates of the properties at issue. Accordingly, the submitted information that does not consist of the requested addresses and disconnection dates is not responsive to the instant request. The city need not release nonresponsive information in response to this request, and this ruling will not address that 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:

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

You state the information at issue consists of the personal information of residential utility customers who timely requested confidentiality under section 182.052. You do not indicate any of the exceptions to confidentiality under section 182.054 apply in this instance. You state the primary source of water for the city's utility services is not a sole-source designated aquifer. You assert the information at issue is confidential in its entirety under section 182.052. However, as discussed above, the "personal information" protected under section 182.052 only excepts certain information from disclosure. Upon review, we find the city must withhold the addresses of the customers who timely requested confidentiality pursuant to section 182.052, a representative sample of which we have marked, under section 552.101 of the Government Code in conjunction with section 182.052 of the Utilities Code. However, the remaining information the city seeks to withhold does not consist of personal information in a customer's account record, nor information relating to the volume or units of utility usage or the amounts billed to or collected from the individual for utility usage; thus, this information is not confidential under section 182.052, and the city may not withhold it under section 552.101 on that basis. As no exceptions to disclosure have been raised for the remaining responsive information, the city must release it.

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,



Jennifer Copeland  
Assistant Attorney General  
Open Records Division

JC/akg

Ref: ID# 640293

Enc. Submitted documents

c: Requestor  
(w/o enclosures)