



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

March 23, 2017

Ms. Lisa Ruiz  
Paralegal  
City of Dallas  
1500 Marilla Street, Room 7DN  
Dallas, Texas 75201

OR2017-05930

Dear Ms. Ruiz:

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# 649999 (ORR# C003117).

The City of Dallas (the "city") received a request for water billing records pertaining to a specified address during a specified time period. You state the city will release some of the requested information. You claim some of the submitted information is excepted from disclosure under sections 552.101 and 552.136 of the Government Code. We have considered the exceptions 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 exception encompasses information that other statutes make confidential. You claim section 552.101 of the Government Code in conjunction with section 182.052 of the Utilities Code, which provides in part:

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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 those records contain substantially different types of information than that submitted to this office.

(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). Section 182.054 of the Utilities Code provides six exceptions to the disclosure prohibition found in section 182.052. *See* Util. Code § 182.054.

You have highlighted information the city seeks to withhold under section 552.101 of the Government Code in conjunction with section 182.052(a) of the Utilities Code. We understand the primary source of water for the city's utility services is not a sole-source designated aquifer. However, you do not inform this office whether the customer whose information is at issue timely requested confidentiality under section 182.052 prior to the date the city received the instant request for information. Further, you have not provided a confidentiality election form for the customer whose information is at issue. Thus, we must rule conditionally. To the extent the customer whose information is at issue elected confidentiality for her personal, usage, or billing information prior to the date the city received the present request for information, the city must withhold such information under section 552.101 of the Government Code in conjunction with section 182.052(a). However, if the customer at issue did not elect confidentiality for her personal, usage, or billing information prior to the date the city received the present request for information, that information is not confidential under section 182.052(a) and the city may not withhold such information under section 552.101 of the Government Code on that basis. In either case, we note the customer's name and invoice number do not constitute personal information of a customer or the volume or units of utility usage and the amounts billed to or collected for that utility usage. Therefore, the city may not withhold the customer's name or invoice numbers under section 552.101 of the Government Code in conjunction with section 182.052.

Section 552.136 of the Government Code provides, "Notwithstanding 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); *see id.* § 552.136(a) (defining "access device"). Accordingly, the city must

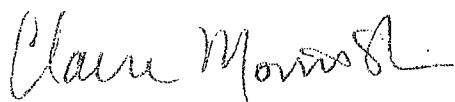
withhold the utility account number you have marked under section 552.136 of the Government Code.

In summary, to the extent the customer whose information is at issue elected confidentiality for her personal, usage, or billing information prior to the date the city received the present request for information, the city must withhold such information under section 552.101 of the Government Code in conjunction with section 182.052(a) of the Utilities Code. The city must withhold the utility account number you marked under section 552.136 of the Government Code. The city must release the remaining information.

You also ask this office to issue a previous determination that would permit the city to withhold information under section 552.101 of the Government Code in conjunction with section 182.052 of the Utilities Code without requesting a ruling from this office. Open Records Decision No. 673 (2001). We decline to issue such a previous determination at this time. Accordingly, 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,



Claire V. Morris Sloan  
Assistant Attorney General  
Open Records Division

CVMS/bw

Ref: ID# 649999

c: Requestor