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ATTORNEY GENERAL OF TEXAS

May 3, 2017

Ms. Gretchen Reuwer
Public Affairs Manager
New Braunfels Utilities
P.O. Box 310289
New Braunfels, Texas 78131-0289

OR2017-09505

Dear Ms. Reuwer:

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# 660242.

New Braunfels Utilities ("NBU") received a request for the date NBU provided water service to a specified address. NBU claims the requested information is excepted from disclosure under section 552.101 of the Government Code.¹ We have considered the claimed exception and reviewed the submitted information.

Initially, we note some of the submitted information is not responsive to the request for information because it does not consist of the requested date of service. This ruling does not address the public availability of any information that is not responsive to the request, and NBU is not required to release this 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. This section encompasses section 182.052(a) of the Utilities Code, which provides, in relevant part,

¹We understand NBU to raise section 552.101 based on its arguments. In addition, although NBU also raises section 552.133 of the Government Code, it has not submitted arguments explaining how this exception applies to the submitted information. Therefore, we presume NBU no longer asserts this exception. *See* Gov't Code §§ 552.301, .302.

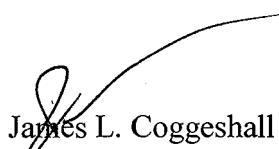
Except as provided by Section 182.054, a government-operated utility may not disclose personal information in a customer's account record, or any information relating to the volume or units of utility usage or the amounts billed to or collected from the individual for utility usage, if the customer requests that the government-operated utility keep the information confidential.

Util. Code § 182.052(a). The scope of utility services covered by section 182.052 includes water, wastewater, sewer, gas, garbage, electricity, or drainage service. *Id.* § 182.051(3). "Personal information" under section 182.052(a) means an individual's address, telephone number, or social security number. *See id.* § 182.051(4); *see also* Open Records Decision No. 625 (1994) (construing statutory predecessor). However, we note dates of service are not "personal information," as defined by section 182.051. *See* Util. Code § 182.051(4). Therefore, the requested date of service is not confidential under section 182.052(a) of the Utilities Code, and NBU may not withhold it under section 552.101 of the Government Code on that ground. Accordingly, NBU must release the submitted date of service.

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,



James L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/bw

Ref: ID# 660242

Enc. Submitted documents

c: Requestor
(w/o enclosures)