



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

September 26, 2017

Ms. Maleshia B. McGinnis  
City Attorney  
City of North Richland Hills  
4301 City Point Drive  
North Richland Hills, Texas 76180

OR2017-22079

Dear Ms. McGinnis:

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# 677213 (CONRH Ref. No. W001438-060117).

The City of North Richland Hills (the "city") received a request for specified information regarding inactive water accounts. The city states it has released some information to the requestor. The city claims some of the submitted information is excepted from disclosure under section 552.101 of the Government Code.<sup>1</sup> We have considered the claimed exception and reviewed the submitted 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

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<sup>1</sup>We note, and the city acknowledges, the city did not comply with section 552.301 of the Government Code in requesting a ruling from this office. See Gov't Code § 552.301(b), (e). Nonetheless, as section 552.101 of the Government Code can provide a compelling reason to overcome the presumption of openness, we will consider its applicability to the submitted information. See *id.* §§ 552.007, .302, .352.

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).

The city states the submitted information includes personal information of residential utility customers who timely requested confidentiality under section 182.052. The city also states none of the exceptions to confidentiality under section 182.054 apply in this instance. The city informs us the primary source of water for the city's utility services is not a sole-source designated aquifer. Based on the city's representations and our review, we find the city must withhold the information it marked under section 552.101 of the Government Code in conjunction with section 182.052 of the Utilities Code.<sup>2</sup> The city must release the remaining information.

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.

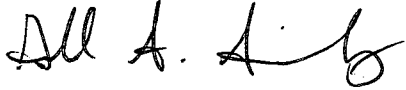
This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at [http://www.texasattorneygeneral.gov/open/orl\\_ruling\\_info.shtml](http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml), or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for

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<sup>2</sup>Although the city asks this office to issue a previous determination permitting it to withhold information made confidential under section 182.052 of the Utilities Code without the necessity of requesting an attorney general opinion, we note subsection (e) of section 182.052 already allows a governmental body to redact such information without the necessity of requesting a decision from this office. *See* Util. Code § 182.052(e).

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 "Gerald A. Arismendez". The signature is fluid and cursive, with the first name "Gerald" being the most prominent.

Gerald A. Arismendez  
Assistant Attorney General  
Open Records Division

GAA/tdw

Ref: ID# 677213

Enc. Submitted documents

c: Requestor  
(w/o enclosures)