



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

December 10, 2019

Ms. Erin Higginbotham
Counsel for the Village of Salado
Bojorquez Law Firm, P. C.
12325 Hymeadow Drive, Suite 2-100
Austin, Texas 78750

OR2019-34762

Dear Ms. Higginbotham:

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# 799732 (Village ID: 66085012).

The Village of Salado (the "village"), which you represent, received a request for building and sewer connection permits, as well as impact fee agreements, from specified time periods. You state the village has released the requested permits. 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 some of the submitted information is not responsive to the present request because it falls outside the time period requested by the requestor. This ruling does not address the public availability of the non-responsive information, which we have marked, and the village need not release it in response to this request.

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. Section 552.101 of the Government Code encompasses information protected by section 182.052 of the Utilities Code, which provides, in 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). We note a post office box number is not an address for the purposes of section 182.052. We also note because section 182.052 is intended to protect the safety and privacy of individual customers, this statute is applicable only to information pertaining to natural persons and does not protect information relating to business, governmental, and other artificial entities. *See* ORD 625 at 4-5 (in context of section 182.051(4) of the Utilities Code, "individual" means only natural persons and does not include artificial entities). Water services are included in the scope of utility services covered by section 182.052. Util. Code § 182.051(3). A customer's request for confidentiality must precede the utility's receipt of the request for information. ORD 625 at 6. We also note

You state the responsive information contains personal information of village utility customers, as well as the customers' utility usage and billing amounts. You state the individuals whose information is at issue are utility customers and timely requested confidentiality under section 182.052. We understand the village's primary source of water is not a sole-source designated aquifer. There is no indication the exceptions listed in section 182.054 apply. Accordingly, to the extent the information we have marked pertains to individual customers, the village must withhold the information we have marked under section 552.101 of the Government Code in conjunction with section 182.052(a) of the Utilities Code. Conversely, to the extent the information we have marked pertains to a business, the village may not withhold this information under section 552.101 in conjunction with section 182.052(a) of the Utilities Code. In either instance, the remaining information at issue is not confidential under section 182.052(a), and the village may not withhold it under section 552.101 on that ground. As you raise no further exceptions to disclosure, the village must release the remaining responsive 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 <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,

A handwritten signature in black ink that reads "Erin Groff". The signature is written in a cursive, flowing style.

Erin Groff
Assistant Attorney General
Open Records Division

EMG/mo

Ref: ID# 799732

Enc. Submitted documents

c: Requestor
(w/o enclosures)