



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

March 30, 2022

Ms. Jessica Farrias  
Administrative Support Specialist  
City of Carrollton  
1945 East Jackson Road  
Carrollton, Texas 75006

OR2022-09284

Dear Ms. Farrias:

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# 939760 (Reference No. 26059).

The City of Carrollton (the "city") received a request for information pertaining to a specified location. You state the city released information to the requestor, but made redactions as permitted by section 552.130(c) of the Government Code without requesting a decision from this office. We note the city redacted a social security number pursuant to section 552.147(b) of the Government Code, as well as a personal e-mail address pursuant to Open Records Decision No. 684 (2009).<sup>1</sup> Pursuant to section 552.130(d), the requestor

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<sup>1</sup> Section 552.147(b) of the Government Code authorizes a governmental body to redact a living person's social security number from public release without the necessity of requesting a decision from this office. *See* Gov't Code § 552.147(b). Open Records Decision No. 684 is a previous determination to all governmental bodies authorizing them to withhold certain information, including e-mail addresses of members of the public

has asked this office to review the information redacted by the city and render a decision as to whether it is excepted from disclosure under section 552.130(a) of the Government Code. The city also claims some of the submitted information is excepted from disclosure under sections 552.101 and 552.137 of the Government Code. We have considered the city's position and reviewed the 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. Section 552.101 encompasses section 182.052 of the Utilities Code, which provides, in part, as follows:

(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, unless the customer requests that the government-operated utility disclose the information.

(b) A customer may request disclosure of information described by Subsection (a) by delivering to the government-operated utility an appropriately marked form provided under Subsection (c)(2) or any other written request for disclosure.

Util. Code § 182.052(a)-(b). "Personal information" under section 182.052(a) means an individual's address, telephone number, and 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, wastewater, sewer, gas, garbage, electricity, and drainage services are included in the scope of utility services covered by section 182.052. *See* Util. Code § 182.051(3). Section 182.054 of the Utilities Code provides six exceptions to the disclosure prohibition found in section 182.052. *See id.* § 182.054.

We understand the city is a government-operated utility for purposes of section 182.052. *See id.* § 182.051(3) (providing a "government-operated utility" is a governmental body or entity that, for compensation, provides water, wastewater, sewer, gas, garbage, electricity,

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subject to section 552.137 of the Government Code, without the necessity of requesting an attorney general decision.

or drainage service). Upon review, we find some of the information at issue consists of personal information of utility customers. We also understand the customer at issue has not requested the city disclose their information. Accordingly, with the exception of the information we marked for release, the city must withhold the information you redacted under section 552.101 of the Government Code in conjunction with section 182.052(a) of the Utilities Code. However, we find you have failed to demonstrate section 182.052 applies to the information we marked for release, and the city may not withhold this information under section 552.101 of the Government Code on that basis.

Section 552.101 of the Government Code also encompasses the doctrine of common-law privacy. *Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976). Under the common-law right of privacy, an individual has a right to be free from the publicizing of private affairs in which the public has no legitimate concern. *Id.* at 682. The court of appeals has concluded public citizens' dates of birth are protected by common-law privacy pursuant to section 552.101. *Paxton v. City of Dallas*, No. 03-13-00546-CV, 2015 WL 3394061, at \*3 (Tex. App.—Austin May 22, 2015, pet. denied) (mem. op.). Thus, the city must withhold the date of birth you redacted under section 552.101 of the Government Code in conjunction with common-law privacy.

Section 552.130 of the Government Code provides information relating to a motor vehicle operator's license, driver's license, motor vehicle title or registration, or personal identification document issued by an agency of this state or another state or country is excepted from public release. Gov't Code § 552.130. Accordingly, the city must withhold the motor vehicle record information you redacted under section 552.130 of the Government Code.

In summary, with the exception of the information we marked for release, the city must withhold the information you redacted under section 552.101 of the Government Code in conjunction with section 182.052(a) of the Utilities Code. The city must withhold the date of birth you redacted under section 552.101 of the Government Code in conjunction with common-law privacy. The city must withhold the motor vehicle record information you redacted under section 552.130 of the Government Code. 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 <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,

Jahna Ward  
Assistant Attorney General  
Open Records Division

JW/jxd

Ref: ID# 939760

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

2 Third Parties  
(w/o enclosures)