



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

February 26, 2016

Ms. Paige Mebane  
Assistant City Attorney  
City of Fort Worth  
1000 Throckmorton Street, 3rd Floor  
Fort Worth, Texas 76102

OR2016-04677

Dear Ms. Mebane:

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# 599717 (City File No. W047680).

The City of Fort Worth (the "city") received a request for a specified animal case report. You state you have released some information. We understand you are withholding a date of birth pursuant to Open Records Letter 2016-00620 (2016).<sup>1</sup> You claim some of 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.

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 information made confidential by other statutes, such as section 826.0311 of the Health and Safety Code, which states, in relevant part:

(a) Information that is contained in a municipal or county registry of dogs and cats under Section 826.031 that identifies or tends to identify the owner or an address, telephone number, or other personally identifying information of the

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<sup>1</sup>Open Records Letter No. 2016-00620 (2016) authorizes the city to withhold public citizens' dates of birth without the necessity of requesting an attorney general decision.

owner of the registered dog or cat is confidential and not subject to disclosure under Chapter 552, Government Code. The information contained in the registry may not include the social security number or the driver's license number of the owner of the registered animal.

(b) The information may be disclosed only to a governmental entity or a person that, under a contract with a governmental entity, provides animal control services or animal registration services for the governmental entity for purposes related to the protection of public health and safety. A governmental entity or person that receives the information must maintain the confidentiality of the information, may not disclose the information under Chapter 552, Government Code, and may not use the information for a purpose that does not directly relate to the protection of public health and safety.

Health & Safety Code § 826.0311(a), (b). Section 826.0311 applies only to information in the actual pet registry; it does not apply to the contents of other records, even though those documents may contain the same information as the pet registry. *See* Open Records Decision No. 658 at 4 (1998) (statutory confidentiality provision must be express, and confidentiality requirement will not be implied from statutory structure).

You state the information you have marked is maintained by the city as part of its pet registry. You state "the [c]ity maintains licensing and investigation records in one database, a software program called PetPoint." You state the city "does not have the ability to access the requested records within the database without also pulling up registry information." We note the information you have marked is contained within an investigation report. You do not state, and we are not able to determine, whether the information at issue was obtained directly from the city's pet registry. Accordingly, we must rule conditionally. The exceptions found in section 826.0311(b) of the Health and Safety Code do not appear to apply. Thus, if the information at issue was obtained directly from the city's pet registry, then the city must withhold the information you have marked under section 552.101 of the Government Code in conjunction with section 826.0311(a) of the Health and Safety Code. However, if the information was not obtained directly from the city's pet registry, then the information is not confidential under section 826.0311(a), and the city may not withhold it under section 552.101 on that basis. In either case, the remaining information must be released.

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,

A handwritten signature in black ink, appearing to read "Mili Gosar". The signature is fluid and cursive, with the first name "Mili" and last name "Gosar" clearly distinguishable.

Mili Gosar  
Assistant Attorney General  
Open Records Division

MG/akg

Ref: ID# 599717

Enc. Submitted documents

c: Requestor  
(w/o enclosures)