



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

November 22, 2016

Ms. Claudene Marshall
Assistant General Counsel
The Texas A&M University System
301 Tarrow Street, Sixth Floor
College Station, Texas 77840-7896

OR2016-25984

Dear Ms. Marshall:

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# 635403 (Ref. No. TAMU 15-988).

Texas A&M University (the "university") received a request for information pertaining to a specified animal and any specified protocols pertaining to the dog at issue during a specified time period. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code.¹ We have considered the exception you claim and reviewed the submitted representative sample of information.²

Initially, you state some of the requested information was the subject of a previous request for a ruling, as a result of which this office issued Open Records Letter No. 2015-12015

¹We note the university did not comply with section 552.301 of the Government Code in requesting a decision for the submitted information. *See* Gov't Code § 552.301(b). Nonetheless, because 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.

²We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

(2015). In that ruling, we determined the university must withhold the submitted information under section 552.101 of the Government Code in conjunction with section 51.914(a)(1) of the Education Code. We have no indication the law, facts, or circumstances on which the prior ruling was based have changed. Thus, the university must continue to rely on Open Records Letter No. 2015-12015 as a previous determination and withhold the information at issue in accordance with that ruling. *See* Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in a prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure).

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 protected by other statutes, such as section 801.353 of the Occupations Code. This section provides in part the following:

(a) A veterinarian may not violate the confidential relationship between the veterinarian and the veterinarian’s client.

(b) A veterinarian may not be required to release information concerning the veterinarian’s care of an animal, except on the veterinarian’s receipt of:

(1) a written authorization or other form of waiver executed by the client; or

(2) an appropriate court order or subpoena.

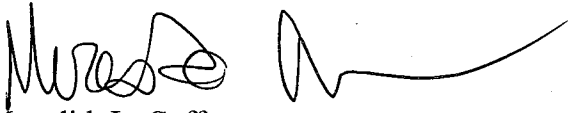
Occ. Code § 801.353(a), (b). Section 801.353 limits a veterinarian’s release of information concerning the veterinarian’s care of an animal to certain circumstances. *See id.* You state the submitted information consists of veterinary records that relate to “standard and incidental health care” of animals by veterinarians of the university. We understand the university does not consent to the release of this information. *See id.* § 801.351(a)(1) (defining “client” as “owner or other caretaker of the animal”). We also understand the requestor has not produced an appropriate court order or subpoena to release the information at issue. Based on your arguments and our review, we conclude this information consists of veterinary records that are subject to chapter 801 of the Occupations Code. Accordingly, the university may only release the submitted information in accordance with section 801.353 of the Occupations Code.

In summary, the university must continue to rely on Open Records Letter No. 2015-12015 as a previous determination and withhold the information at issue in accordance with that ruling. The university may only release the submitted information in accordance with section 801.353 of the Occupations Code.

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,

A handwritten signature in black ink, appearing to read 'Meredith L. Coffman', with a long horizontal flourish extending to the right.

Meredith L. Coffman
Assistant Attorney General
Open Records Division

MLC/bw

Ref: ID# 635403

Enc. Submitted documents

c: Requestor
(w/o enclosures)