



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 7, 2017

Mr. Matthew L. Grove
Assistant County Attorney
County of Fort Bend
401 Jackson Street, Third Floor
Richmond, Texas 77469

OR2017-04814

Dear Mr. Grove:

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# 647952.

Fort Bend County Animal Services (the "county") received a request for all information pertaining to a specified animal, to include information pertaining to a specified dog bite incident. You state you will release some information. 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. This section encompasses information protected by other statutes, including section 826.0311 of the Health and Safety Code, which provides, 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 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 for purposes related to the protection of public health and safety. A governmental entity 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). You state the county uses a software system called Chameleon as a database that maintains the county's pet registry. You further state the information you marked is information that is contained in the Chameleon database. Based upon your representations and our review, we find the information you marked consists of information contained in the county's pet registry. Thus, we agree section 826.0311 is applicable to the information you marked. Section 826.0311 provides for the confidentiality of information that identifies or tends to identify the owner or an address, telephone number, or other personally identifying information of the owner of the registered dog or cat. We agree the information you have marked is information that identifies or tends to identify the owner of the registered dog that is confidential under section 826.0311. We understand the exception in section 826.0311(b) does not apply in this instance. Accordingly, the county must withhold the marked information under section 552.101 in conjunction with section 826.0311(a) of the Health and Safety Code. The county 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, 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,



Meagan J. Conway
Assistant Attorney General
Open Records Division

MJC/sb

Ref: ID# 647952

Enc. Submitted documents

c: Requestor
(w/o enclosures)