



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 14, 2017

Ms. Stacie S. White
Counsel for Town of Flower Mound
Taylor, Olson, Adkins, Sralla,, Elam, L.L.P.
6000 Western Place, Suite 200
Fort Worth, Texas 76107-4654

OR2017-21077

Dear Ms. White:

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# 676020.

The Town of Flower Mound (the "town"), which you represent, received a request for information relating to animal issues at a specified address. You state you will redact information pursuant to Open Records Decision No. 684 (2009).¹ 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.

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

¹Open Records Decision No. 684 serves as a previous determination to all governmental bodies authorizing them to withhold specific categories of information without the necessity of requesting an attorney general decision.

Code § 552.101. Section 552.101 encompasses section 826.0211 of the Health and Safety Code, which provides:

(a) Information contained in a rabies vaccination certificate or in any record compiled from the information contained in one or more certificates that identifies or tends to identify an owner or an address, telephone number, or other personally identifying information of an owner of a vaccinated animal is confidential and not subject to disclosure under Chapter 552, Government Code. The information contained in the certificate or record may not include the social security number or the driver's license number of the owner of the vaccinated animal.

Health & Safety Code § 826.0211(a). Section 826.0211 applies only to information contained in a rabies vaccination certificate or in a record compiled from information contained in one or more rabies vaccination certificates. The submitted information contains a rabies vaccination certificate. Therefore, the town must withhold the owner's identifying information we marked under section 552.101 of the Government Code in conjunction with section 826.0211 of the Health and Safety Code.² However, you have failed to demonstrate the remaining information you marked consists of information contained in one or more vaccination certificates that identifies or tends to identify an owner or an address, telephone number, or other personally identifying information of an owner of a vaccinated animal. Accordingly, the town may not withhold the remaining information under section 552.101 of the Government Code in conjunction with section 826.0211 of the Health and Safety Code.

Section 552.101 of the Government Code also encompasses information protected 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 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

²As our ruling is dispositive, we do not address the remaining argument against disclosure of this information.

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.

Id. § 826.0311(a), (b). Section 826.0311 applies only to 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. 649 at 3 (1996) (language of confidentiality provision controls scope of its protection); *see also* Open Records Decision Nos. 658 at 4 (1998), 478 at 2 (1987).

We understand a portion of the remaining information is maintained by the town as part of its pet registry. You assert release of the remaining information would identify or tend to identify the owner of a registered dog or an address, telephone number, or other personally identifying information of the owner of a registered dog. Based on your representations and our review, we find the information we marked identifies or tends to identify the owner or an address, telephone number, or other personally identifying information of the owner of a registered dog and is subject to section 826.0311. We have no indication the exception in section 826.0311(b) applies. Accordingly, the town must withhold the information we have marked under section 552.101 of the Government Code in conjunction with section 826.0311(a) of the Health and Safety Code. However, we find you have failed to establish any of the remaining information is contained in a municipal or county registry of dogs and cats and identifies or tends to identify the owner of a registered dog or cat for purposes of section 826.0311(a). Therefore, the town may not withhold any of the remaining information under section 552.101 of the Government Code in conjunction with section 826.0311 of the Health and Safety Code.

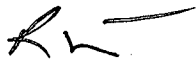
In summary, the town must withhold the owner's identifying information we marked under section 552.101 of the Government Code in conjunction with section 826.0211 of the Health and Safety Code. The town must withhold the information we have marked under section 552.101 of the Government Code in conjunction with section 826.0311(a) of the Health and Safety Code. The town 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,



Kelly McWethy
Assistant Attorney General
Open Records Division

KSM/sb

Ref: ID# 676020

Enc. Submitted documents

c: Requestor
(w/o enclosures)