



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

November 27, 2017

Ms. Shea Smith  
Assistant City Attorney  
City of Sugar Land  
2700 Town Center Boulevard North  
Sugar Land, Texas 77479-0110

OR2017-26767

Dear Ms. Smith:

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# 686720 (ORR# W002807).

The City of Sugar Land (the "city") received a request for all complaints involving specified animals, including a specified incident. The city states it has released some of the requested information. The city claims some of the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception the city claims 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 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.* The city states some of the submitted information consists of veterinary records maintained by the city. Upon review, we find the information we have marked consists of veterinary records that are maintained by a veterinarian of the city. The city does not indicate the owners or caretakers of the animals have consented to the release of this information. *See id.* § 801.351(a)(1). The city also does not indicate the requestor has produced an appropriate court order or subpoena to release the information at issue. Based on the city's representations and our review, we conclude the information we have marked consists of veterinary records that are subject to chapter 801 of the Occupations Code. Accordingly, the city may release the information we have marked only in accordance with section 801.353 of the Occupations Code.

Section 552.101 of the Government Code also encompasses section 826.0211 of the Health and Safety Code, which provides, in part:

(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.

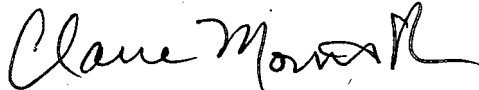
Health & Safety Code § 826.0211(a). We note section 826.0211 is applicable only to information contained in a rabies vaccination certificate or in a record compiled from information contained in one or more rabies vaccination certificates. The remaining information consists of a rabies vaccination certificate. Therefore, the city must withhold the owner's identifying information, which it marked, under section 552.101 of the Government Code in conjunction with section 826.0211 of the Health and Safety Code.

In summary, the city may release the information we marked only in accordance with section 801.353 of the Occupations Code. The city must withhold the owner's identifying information it marked under section 552.101 of the Government Code in conjunction with section 826.0211 of the Health and Safety 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 [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 "Claire V. Morris Sloan". The signature is fluid and cursive, with the first name "Claire" being the most prominent.

Claire V. Morris Sloan  
Assistant Attorney General  
Open Records Division

CVMS/som

Ref: ID# 686720

Enc. Submitted documents

c: Requestor  
(w/o enclosures)