



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

February 27, 2019

Ms. LaNetra S. Lary
Assistant County Attorney
Fort Bend County
401 Jackson Street, 3rd Floor
Richmond, Texas 77469

OR2019-05447

Dear Ms. Lary:

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# 754369.

The Fort Bend County Attorney's Office (the "county") received a request for information pertaining to a specified animal.¹ The county claims the requested information is excepted from disclosure under section 552.101 of the Government Code. We have considered the claimed exception 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 section 801.353 of the Occupations Code, which provides, in part, the following:

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

¹The county sought and received clarification of the information requested. *See* Gov't Code § 552.222 (if request for information is unclear, governmental body may ask requestor to clarify request); *see also City of Dallas v. Abbott*, 304 S.W.3d 380, 387 (Tex. 2010) (if governmental entity, acting in good faith, requests clarification of unclear or over-broad request, ten-day period to request attorney general ruling is measured from date request is clarified).

...

(f) A veterinarian does not violate this section by providing the name or address of a client, or the rabies vaccination status of a specific client's specific animal, to a public health authority, veterinarian, physician, or other licensed health care professional who requests the identity of the client to obtain information for:

- (1) the verification of a rabies vaccination;
- (2) other treatment involving a life-threatening situation; or
- (3) a public health purpose.

(g) A public health authority that receives information under [s]ubsection (f) shall maintain the confidentiality of the information, may not disclose the information under [the Act] and may not use the information for a purpose that does not directly relate to the protection of public health and safety.

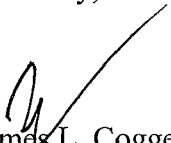
Occ. Code § 801.353(a), (f)-(g). Section 801.353(g) prohibits the public disclosure of information obtained by a public health authority from a veterinarian pursuant to section 801.353(f) for the reasons enumerated in section 801.353(f). Section 801.353 limits a veterinarian's release of information concerning the veterinarian's care of an animal to certain circumstances. *See id.* The county assert the submitted information consists of veterinary records that are confidential under section 801.353. Upon review, we find some of the information at issue, which we have marked, consist of veterinary record information that is subject to chapter 801 of the Occupations Code. Accordingly, the county must withhold the information we have marked under section 552.101 of the Government Code in conjunction with section 801.353 of the Occupations Code. However, the county has failed to demonstrate the remaining information is confidential under section 801.353, and may not withhold any of it under section 552.101 on that ground. Therefore, 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,



James L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/jxd

Ref: ID# 754369

Enc. Submitted documents

c: Requestor
(w/o enclosures)