



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 11, 2019

Mr. John S. Schneider
First Assistant City Attorney
City of Pasadena
P.O. Box 672
Pasadena, Texas 77501-0672

OR2019-06688

Dear Mr. Schneider:

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# 754300 (PIR# SL1901).

The City of Pasadena (the "city") received a request for information relating to two specified pets adopted through the city's animal shelter. 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, which we understand to be a representative sample.¹

Initially, we note the information we have marked in Exhibit B is not responsive to the instant request for information because it was created after the request was received. This ruling does not address the public availability of non-responsive information, and the city is not required to release non-responsive information in response to this request.

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

¹We assume 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 those records contain substantially different types of information than that submitted to this office.

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. Exhibits D and E contain rabies vaccination certificates or information derived from a rabies certificate. Upon review, we find the city has failed to demonstrate any part of Exhibits D and E contain information revealing an owner, address, telephone number, or other personally identifying information. Accordingly, the city may not withhold Exhibits D and E 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 section 826.0311 of the Health and Safety Code, which states, in relevant part, the following:

(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 [the Act]. 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 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 [the Act], 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). The city states Exhibits B and C consist of personally identifying information of an owner of a registered animal. The city also informs us the information at issue is maintained in a computer database registry used by the city's animal shelter. The city

explains the animal shelter maintains the registry through a computer database using the Chameleon software, and states the information at issue was pulled directly from the pet registry through the Chameleon database. The exception in section 826.0311(b) does not appear to apply. Upon review, we find the information we have marked identifies or tends to identify the owner or an address, telephone number, or other personally identifying information of the owner of a registered animal. Thus, the city must withhold the marked information 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 responsive information identifies or tends to identify the owner of a registered animal or consists of an address, telephone number, or other personally identifying information of the owner of a registered animal for purposes of section 826.0311(a). Therefore, the city may not withhold any of the remaining responsive information under section 552.101 of the Government Code in conjunction with section 826.0311 of the Health and Safety Code. The city must release the remaining responsive 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/gw

Ref: ID# 754300

Enc. Submitted documents

c: Requestor
(w/o enclosures)