



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

March 19, 2019

Mr. Rahat Huq  
Assistant City Attorney  
City of Houston  
P.O. Box 368  
Houston, Texas 77001-0368

OR2019-07559

Dear Mr. Huq:

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# 755631 (ORR# 25695).

The City of Houston (the "city") received a request for information pertaining to a specified incident. The city claims some of the submitted 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. Section 552.101 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.

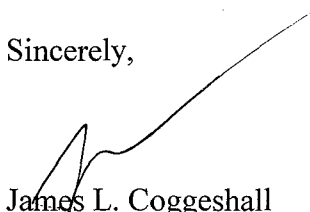
(b) The information may be disclosed only to a governmental entity or a person that, under a contract with a governmental entity, provides animal control services or animal registration services for the governmental entity for purposes related to the protection of public health and safety. A governmental 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 informs us it maintains a computer database registry that is used by the city's Bureau of Animal Regulation and Care ("BARC"). The city explains BARC maintains the registry through a computer database using the Chameleon software, and the city pulls information directly from the pet registry through the Chameleon database. We are unable to determine whether the city obtained the information it has marked under section 826.0311 directly from its pet registry. Thus, we must rule conditionally. To the extent the information that the city has marked was obtained directly from its pet registry, this information is confidential under section 826.0311(a) of the Health and Safety Code and the city must withhold it under section 552.101 of the Government Code on that basis. However, to the extent the information was not obtained directly from the city's pet registry, then the city may not withhold it under section 552.101 on that basis but, instead, must release it to the requestor. 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,



James L. Coggeshall  
Assistant Attorney General  
Open Records Division

JLC/jxd

Ref: ID# 755631

Enc. Submitted documents

c: Requestor  
(w/o enclosures)