



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

December 5, 2019

Ms. Nancy Gonzalez  
Open Records Coordinator  
City of Dallas  
1500 Marilla, 5DS  
Dallas, Texas 75201

OR2019-34238

Dear Ms. Gonzalez:

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# 800065 (ORR #C008489-091319).

The City of Dallas (the "city") received a request for information pertaining to the adoption of a specified animal. You state the city will release some information. You claim some of the submitted information is excepted from disclosure under sections 552.101 and 552.1177 of the Government Code. We have considered the exceptions you claim and reviewed the submitted representative sample of information.<sup>1</sup>

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 of the Government Code encompasses information protected by other statutes, including section 801.353 of the Occupations Code, which provides, in relevant part, the following:

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

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<sup>1</sup> We 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.

(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 Exhibit B consists of veterinary records of veterinarians employed by the city. The city further states it has not obtained permission from the owners or caretakers of the animals whose records are at issue to release the animal's records. *See id.* § 801.351(a)(1) (defining "client" as "owner or other caretaker of the animal"). Further, the city states the requestor has not produced an appropriate court order or subpoena to release the information at issue. Based on these arguments and our review, we conclude Exhibit B consists of veterinary record information that is subject to chapter 801 of the Occupations Code. Accordingly, the city must withhold Exhibit B under section 552.101 of the Government Code in conjunction with section 801.353 of the Occupations Code.<sup>2</sup>

Section 552.1177(a) of the Government Code relates to the humane disposition by a municipality or county of an animal and provides the following:

Except as provided by Subsection (b), information is confidential and excepted from [required public disclosure] if the information relates to the name, address, telephone number, e-mail address, driver's license number, social security number, or other personally identifying information of a person who obtains ownership or control of an animal from a municipality or county making a humane disposition of the animal under a municipal ordinance or an order of the commissioners court.

Act of May 25, 2019, 86th Leg., R.S., H.B. 2828, § 1 (to be codified as Gov't Code § 552.1177(a)). The city asserts the information it has marked under section 552.1177 identifies a person who adopted an animal from the city's municipal animal shelter. The city also represents its municipal animal shelter made a humane disposition of the animal at issue under a municipal ordinance. Based on these representations and our review, with the exception of the information we have marked for release, we agree the city must withhold the information you marked under section 552.1177 of the Government Code. However, the remaining information is not confidential under section 552.1177, and the city may not withhold it on that ground.

Section 552.101 of the Government Code also encompasses section 826.0211(a) of the Health and Safety Code, which provides as follows:

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<sup>2</sup> As our ruling is dispositive, we need not address your remaining argument against disclosure of this information.

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 [the Act]. 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 city informs us the information at issue was compiled from rabies vaccination certificates. Upon review, we find the city has not demonstrated the applicability of section 826.0211 of the Health and Safety Code to any of the remaining information, and the city may not withhold any of the remaining information on that basis.

In summary, the city must withhold Exhibit B under section 552.101 of the Government Code in conjunction with section 801.353 of the Occupations Code. With the exception of the information we have marked for release, we agree the city must withhold the information you marked under section 552.1177 of the Government 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 <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,



Kelly McWethy  
Assistant Attorney General  
Open Records Division

KM/mo

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Enc. Submitted documents

c: Requestor  
(w/o enclosures)