



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

December 19, 2019

Ms. Marcialyn Hooper
Open Records Coordinator
Dallas Animal Services
1818 North Westmoreland Road
Dallas, Texas 75212

OR2019-35976

Dear Ms. Hooper:

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# 802426 (ORR# C009286).

The City of Dallas (the "city") received a request for information pertaining to a specified animal. The city states it has released some of the requested information, but claims some of the submitted information is excepted from disclosure under sections 552.101 and 552.1177 of the Government Code. We have considered the claimed exception and reviewed the submitted representative sample of information.¹

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 exception encompasses section 826.0211(a) of the Health and Safety Code, which reads as follows:

(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 [the Act]. The

¹ 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.

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. Upon review, we find section 826.0211 is applicable to some of the information at issue, which we have marked. Therefore, the city must withhold the information we have marked under section 552.101 of the Government Code in conjunction with section 826.0211(a) of the Health and Safety Code. However, the city has failed to demonstrate section 826.0211 is applicable to any of the remaining information. Thus, the city may not withhold any of the remaining information under section 552.101 on that ground.

Section 552.101 of the Government Code also 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.

...

(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.* Upon review, we find some of the information at issue, which we have marked, consists of veterinary record information that is subject to chapter 801 of the Occupations Code. Accordingly, the city 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 city 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.

Section 552.101 of the Government Code excepts also encompasses section 826.0311 of the Health and Safety Code, which states, in 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.

Health & Safety Code § 826.0311(a), (b). Section 826.0311 applies only to the actual pet registry; it does not apply to the contents of other records, even though those documents may contain the same information as the pet registry. *See* Open Records Decision No. 658 at 4 (1998) (statutory confidentiality provision must be express, and confidentiality requirement will not be implied from statutory structure). We further note because section 826.0311 was intended to protect the personal privacy of pet owners, this statute is applicable only to information pertaining to natural persons, and does not protect information relating to business, governmental, and other artificial entities. *See* House Comm. On County Affairs, Bill Analysis, Tex. H.B. 3262 76th Leg., R.S. (1999) (provision intended to protect "businesses" from gaining access to "personal information"). Upon review, we find the city has failed to establish section 826.0311(a) is applicable to any of the remaining information and may not withhold it under section 552.101 on that ground.

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.

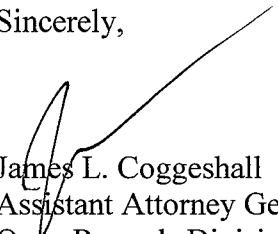
Gov't Code § 552.1177(a). Upon review, we find the city has failed to establish section 552.1177 is applicable to any of the remaining information and may not withhold it on that ground.

In summary, the city 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. The city must also withhold the information we have marked under section 552.101 of the Government Code in conjunction with section 801.353 of the Occupations 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,



James L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/jxd

Ref: ID# 802426

Enc. Submitted documents

c: Requestor
(w/o enclosures)