



KEN PAXTON  
ATTORNEY GENERAL OF TEXAS

March 30, 2020

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

OR2020-09647

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# 820875 (ORR# C000799).

The City of Dallas (the "city") received a request for information related to three specified animals. The city claims the submitted information is excepted from disclosure under sections 552.101 and 552.1177 of the Government Code. We have considered the exceptions the city claims 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. This exception encompasses information protected by 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.
- (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:

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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.

(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 the submitted information consists of veterinary records of a veterinarian employed by the city. The city informs us it has not obtained permission from the owner or caretaker of the animal 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 some of the submitted information, which we marked, consists of veterinary record information that is subject to chapter 801 of the Occupations Code. Accordingly, the city must withhold the information we marked under section 552.101 of the Government Code in conjunction with section 801.353 of the Occupations Code.<sup>2</sup> However, we find the city has not demonstrated the remaining information is confidential under section 801.353 of the Occupations Code, and 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 information protected by section 826.0311 of the Health and Safety Code, which states in relevant part:

(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 Chapter 552, Government Code. 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 Chapter 552, Government Code, 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

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

may contain the same information as the pet registry. *See* Open Records Decision No. 649 at 3 (1996) (language of confidentiality provision controls scope of its protection); *see also* Open Records Decision Nos. 658 at 4 (1998), 478 at 2 (1987). The city states the remaining information was obtained directly from the city's pet registry. Upon review, we find the city must withhold the information we marked under section 552.101 of the Government Code in conjunction with section 826.0311 of the Health & Safety Code. However, we find the remaining submitted information does not consist of personally identifying information of pet owners for purposes of section 826.0311 and the city may not withhold the remaining information under section 552.101 on that basis.

In summary, the city must withhold the information we marked under section 552.101 of the Government Code in conjunction with section 801.353 of the Occupations Code. The city must withhold the information we marked under section 552.101 of the Government Code in conjunction with section 826.0311 of the Health & Safety 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,

Claire V. Morris Sloan  
Assistant Attorney General  
Open Records Division

CVMS/mo

Ref: ID# 820875

Enc. Submitted documents

c: Requestor  
(w/o enclosures)