



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

August 4, 2020

Ms. Meredith Riede
City Attorney
City of Sugar Land
P.O. Box 110
Sugar Land, Texas 77479-0110

OR2020-19369

Dear Ms. Riede:

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# 838318 (Reference Nos. W009447, W009475, and W009480).

The City of Sugar Land (the "city") received three requests for information from two different requestors pertaining to a certain type of animal during a defined period of time and information pertaining to a specified location. You state the city released some of the requested information. 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.

Section 552.101 of the Government Code excepts from public 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 826.0211 of the Health and Safety Code, which provides, in part:

- (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). 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 submitted information consists of rabies vaccination certificates. However, we note some of the information at issue relates to the second requestor. We note section 826.0211 was intended to protect the privacy of pet owners. House Comm. on County Affairs, Bill Analysis, Tex. H.B. 3262, 76th Leg., R.S. (1999) (provision intended to prevent “businesses” from gaining access to “personal information”). Because section 826.0211 protects personal privacy, the second requestor has a special right of access to his identifying information under section 552.023 of the Government Code. *See* Gov’t Code § 552.023(a) (“A person or a person’s authorized representative has a special right of access, beyond the right of the general public, to information held by a governmental body that relates to the person and that is protected from public disclosure by laws intended to protect that person’s interests.”); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individual requests information concerning himself). Upon review, with the exception of the information we indicated, which must be released to the second requestor, the city must withhold the information we marked under section 552.101 of the Government Code in conjunction with section 826.0211 of the Health and Safety Code. However, the city has failed to demonstrate section 826.0211 is applicable to any of the remaining information. Accordingly, the city may not withhold any of the remaining information under section 552.101 on that ground. Thus, 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,

Jahnna Ward
Assistant Attorney General
Open Records Division

JW/jxd

Ref: ID# 838318

Enc. Submitted documents

c: 2 Requestors
(w/o enclosures)