



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

September 15, 2020

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

OR2020-23290

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# 842075 (ORR# C004062).

The City of Dallas (the "city") received a request for information pertaining to a specified animal. The city 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.<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 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 801.351(a)(1) of the Occupations Code states, in pertinent part, the following:

(a) . . . A veterinarian-client-patient relationship exists if the veterinarian:

- (1) assumes responsibility for medical judgments regarding the health of an animal and a client, who is the owner or other caretaker of the animal, agrees to follow the veterinarian's instructions[.]

*Id.* § 801.351(a)(1). Section 801.353 limits a veterinarian's release of information concerning the veterinarian's care of an animal to certain circumstances. Upon review, we find some of the submitted information, which we have marked, consists of veterinary records of a veterinarian employed by the city that are generally confidential pursuant to section 801.353. Although the city states the requestor has not produced an appropriate court order or subpoena to release the information at issue, we note the city, as the caretaker of the animal that agreed to follow the veterinarian's instructions when the veterinary records at issue were created, has the discretion to release the information at issue pursuant to section 801.353(b)(1). If the city does not elect to exercise this discretion, we agree 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 remaining information is not confidential under the 801.353, and the city 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). We understand the remaining information it has marked under section 552.1177 identifies a person who adopted an animal from the city's animal shelter. We also understand the city's animal shelter made a humane disposition of the animal at

issue under a municipal ordinance. Upon review, we agree the city must withhold the remaining information it has marked under section 552.1177 of the Government Code.<sup>2</sup>

In summary, the city has the discretion to release the information we have marked pursuant to section 801.353(b)(1) of the Occupations Code. If the city does not elect to exercise this discretion, then the city must withhold this information under section 552.101 of the Government Code in conjunction with section 801.353 of the Occupations Code. The city must withhold the remaining information it has 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,

James L. Coggeshall  
Assistant Attorney General  
Open Records Division

JLC/jxd

Ref: ID# 842075

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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<sup>2</sup> As our ruling is dispositive, we do not address the other arguments of the city to withhold this information.