



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

November 17, 2020

Ms. Linda Pemberton  
Paralegal  
City of Killeen  
P.O. Box 1329  
Killeen, Texas 76540

OR2020-28819

Dear Ms. Pemberton:

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# 854398 (PIR# W033168).

The City of Killeen (the "city") received a request for information pertaining to a specified animal from the city's animal shelter. You claim the submitted information is excepted from disclosure under section 552.1177 of the Government Code.<sup>1</sup> We have considered the exception you claim and reviewed the submitted information.

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.

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<sup>1</sup> We note, and you acknowledge, the city did not comply with section 552.301 of the Government Code in requesting a ruling from this office. *See* Gov't Code § 552.301(b), (e). Nonetheless, because section 552.1177 of the Government Code can provide a compelling reason to overcome the presumption of openness, we will consider its applicability to the submitted information. *See id.* §§ 552.007, .302, .352.

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 at issue identifies a person who adopted an animal from the city's municipal animal shelter. The city indicates its municipal animal shelter made a humane disposition of the animal at issue under a municipal ordinance. Based on these representations and our review, we find the city must withhold the information it 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/gw

Ref: ID# 854398

Enc. Submitted documents

c: Requestor  
(w/o enclosures)