



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

February 11, 2022

Mr. Jay Dale
City Attorney
City of Pasadena
P.O. Box 672
Pasadena, Texas 77501-0672

OR2022-04226

Dear Mr. Dale:

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# 929406 (ORR# SL21G7).

The City of Pasadena (the "city") received a request for records related to a specified animal. 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 information.

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:

(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 argues 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. However, we find the city has not demonstrated any of 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 basis.

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). The city asserts the remaining information identifies a person who adopted an animal from the city's municipal animal shelter. The city represents 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 agree the city must withhold the information we marked under section 552.1177 of the Government Code. However, the remaining information is not confidential under section 552.1177, and the city may not withhold it on that ground.

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 552.1177 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,

Claire V. Morris Sloan
Assistant Attorney General
Open Records Division

CVMS/jm

Ref: ID# 929406

Enc. Submitted documents

c: Requestor
(w/o enclosures)