



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

March 14, 2022

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

OR2022-07526

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# 933981 (ORR No. SL2203).

The City of Pasadena (the "city") received a request for information pertaining to a specified animal. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.1177 of the Government Code. We have considered the exceptions you claim 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. Section 552.101 encompasses information protected by section 801.353 of the Occupations Code, which provides, in relevant part, as follows:

- (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.* Some of the submitted information consists of veterinarian records of a veterinarian employed by the city. The city does not inform us it has 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 indicates the requestor has not produced an appropriate court order or subpoena to release the information at issue. 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>1</sup> However, upon review, we find you have failed to establish section 801.353 is applicable to the remaining information. Therefore, the city may not withhold any of the remaining information under section 552.101 of the Government Code 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). You assert the remaining information identifies a person who adopted an animal from the city's animal shelter (the "shelter"). We understand the shelter made a humane disposition of the animal at issue under a municipal ordinance. Upon review, we find the city must withhold the information we marked under section 552.1177 of the Government Code. However, we conclude you have failed to establish section 552.1177 is applicable to the remaining information and may not withhold any of 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.

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<sup>1</sup> As our ruling is dispositive, we need not address the remaining argument against disclosure of this information.

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,

Kimbell Kesling  
Assistant Attorney General  
Open Records Division

KK/jxd

Ref: ID# 933981

Enc. Submitted documents

c: Requestor  
(w/o enclosures)