



October 22, 1999

Mr. Patrick W. Christensen
Assistant City Attorney
City of San Antonio
P.O. Box 839966
San Antonio, Texas 78283-3966

OR99-3009

Dear Mr. Christensen:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 129828.

The City of San Antonio (the "city") received a request for the "information reported on" the "City of San Antonio/Bexar County Dog, Cat & Ferret License-Rabies Vaccination Certificate." You contend that some of the information responsive to the request is made confidential by section 552.101 of the Government Code in conjunction with sections 826.0211 and 826.0311 of the Health and Safety Code. You provided representative samples of the information at issue.¹

Section 552.101 of the Government Code requires withholding, *inter alia*, information made confidential by statute. Section 826.021 of the Health and Safety Code generally requires that dogs and cats be vaccinated against rabies and that the vaccinating veterinarian issue the owner a vaccination certificate in a form prescribed by the Texas Board of Health. Subsection (c) provides that "a county or municipality may not register or license an animal that has not been vaccinated in accordance with this section." Section 862.031 authorizes city and county governing bodies to adopt ordinances or rules requiring the registration of cats and dogs within their jurisdictions.

¹In reaching our conclusion, we assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision No. 499 (1988), 497 (1988) (where requested documents are numerous and repetitive, governmental body should submit representative sample; but if each record contains substantially different information, all must be submitted). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

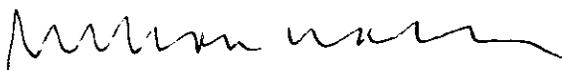
Section 826.0211 provides that “information contained in a rabies vaccination certificate that identifies or tends to identify the owner or an address, telephone number, or other personally identifying information of the owner of the vaccinated animal is confidential and is not subject to disclosure under chapter 552, Government Code.” Health and Safety Code § 826.0211(a). The section provides exceptions, not applicable here, to the prohibition on disclosure, and criminal penalties for disclosures in violation of the section. *Id.* subsections (b) and (c).

Section 826.0311 makes confidential the same identifying information made confidential by section 826.0211 when such information is contained in “a municipal or county registry of dogs and cats under section 826.021” and provides for the same exceptions, not applicable here, to the prohibition on disclosure, as well as criminal penalties for disclosures in violation of the section.

We have marked the portions of the submitted information which must be withheld under sections 826.0211 and 826.0311. The remaining information must be released.²

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



William Walker
Assistant Attorney General
Open Records Division

WMW/ljp

Ref: ID# 129828

²Although it appears that the city/county program here also includes the vaccination and registration of ferrets, you do not cite, and we are not aware of any provisions making information in ferret vaccination or registration records confidential. The provisions which you raised and which are cited in this ruling apply only to the vaccination and registration of dogs and cats, neither of which terms, in our opinion, include ferrets. The scope of this ruling is limited to information in vaccination and registration records for dogs and cats.

Encl. Marked documents

cc: Ms. Mary A. Rodriguez
Vice President, Marketing
Healthy Pet
P.O. Box 790456
San Antonio, Texas 78279
(w/o enclosures)