



May 30, 2000

Ms. Karmen Binka  
Assistant City Attorney  
Office of the City Attorney  
City of San Antonio  
P.O. Box 639966  
San Antonio, Texas 78283-3966

OR2000-2103

Dear Ms. Binka:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 135639.

The City of San Antonio (the "city") received a request for information pertaining to a dog-bite incident. Specifically, the requestor seeks all complaints and violations pertaining to two specific individuals and a specific address. You claim that the requested information is excepted from disclosure under section 826.0311 of the Health and Safety Code. We have considered the exception 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." Accordingly, section 552.101 encompasses confidentiality provisions such as section 826.0311 of the Health and Safety Code. Section 826.0311 provides that

[i]nformation that is contained in a *municipal or county registry* of dogs and cats under Section 826.031 that identifies or tends to identify the owner or an address, telephone number, or other personally identifying information of the owner of the registered dog or cat is confidential and not subject to disclosure under Chapter 552, Government Code.

Health & Safety Code § 826.0311(a) (emphasis added).

The information you have submitted consists of information from the city's registry of dogs and cats, as well as an animal bite report.<sup>1</sup> The registry information identifies the owner of the dog in question, and therefore, we agree that the registry information falls under section 826.0311. Therefore, the city must withhold the submitted registry information under section 826.0311 of the Health and Safety Code as encompassed by section 552.101 of the Government Code. However, in regard to the animal bite report, you explain that while it may reflect some of the same information found in the registry information, the report is not contained in a municipal or county registry of dogs and cats. Accordingly, the animal bite report is not confidential under section 552.101 in conjunction with section 826.0311. Therefore, the city must release the animal bite report to the requestor.<sup>2</sup>

This letter ruling is limited to the particular records 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 records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor

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<sup>1</sup>All of the submitted information is maintained by the San Antonio Animal Control Division.

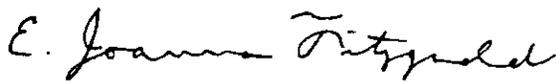
<sup>2</sup>We also note that the dog bite report must be released under section 552.022(a)(1) as it appears to be complete and it is neither excepted under section 552.108 of the Government Code nor made confidential under section 826.0311 of the Health and Safety Code.

should report that failure to the attorney general's Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.–Austin 1992, no writ).

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,



E. Joanna Fitzgerald  
Assistant Attorney General  
Open Records Division

EJF\nc

Ref: ID# 135639

Encl: Submitted documents

cc: Mr. Raymond Vazquez  
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(w/o enclosures)