



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 12, 2009

Mr. Jason D. King
Akers & Boulware-Wells, LLP
Attorney for City of Glenn Heights
816 Congress Avenue, Suite 1725
Austin, Texas 78701

OR2009-06392

Dear Mr. King:

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# 343816.

The City of Glenn Heights (the "city"), which you represent, received a request for the names and addresses of all citizens who registered their pets in 2008. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted representative sample of information.¹

Initially, we note the present request is for names and addresses of all citizens who registered their pets in 2008. Accordingly, only the names and addresses in the submitted information are responsive to the request. Thus, the remaining information in the submitted document is not responsive to this request. This ruling does not address the public availability of

¹We assume the representative sample of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent those records contain substantially different types of information than that submitted to this office.

nonresponsive information, and the city is not required to release nonresponsive information in response to this request. Accordingly, we will address your arguments with regard to the responsive information.

Section 552.101 of the Government Code exempts 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 made confidential by other statutes, such as section 826.0211 of the Health and Safety Code, which provides in pertinent part:

Information contained in a rabies vaccination certificate or in any record compiled from the information contained in one or more certificates that identifies or tends to identify an owner or an address, telephone number, or other personally identifying information of an owner of a vaccinated animal is confidential and not subject to disclosure under Chapter 552, Government Code. The information contained in the certificate or record may not include the social security number or the driver's license number of the owner of the vaccinated animal.

Health and Safety Code § 826.0211(a). The only exception to this confidentiality is that the information may be disclosed "to a governmental entity or a person that, under a contract with a governmental entity, provides animal control services or animal registration services for the governmental entity for purposes related to the protection of public health and safety." *Id.* § 826.0211(b).

You state information responsive to the request is the list of all citizens who registered their pets within the city in 2008. You inform us this list is compiled from information contained in rabies vaccination certificates. Based upon your representation and our review, we agree section 826.0211 is applicable to the responsive information. No exception to confidentiality under section 826.0211 appears to apply in this instance. Accordingly, we conclude the city must withhold the responsive information under section 552.101 of the Government Code in conjunction with section 826.0211 of the Health and Safety Code.

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 http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public

information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,

A handwritten signature in black ink, appearing to read 'Emily Sitton', written in a cursive style.

Emily Sitton
Assistant Attorney General
Open Records Division

EBS/rl

Ref: ID# 343816

Enc. Submitted documents

c: Requestor
(w/o enclosures)