



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 6, 2009

Mr. Justin M. Fohn
Assistant District Attorney
Bastrop County
804 Pecan Street
Bastrop, Texas 78602

OR2009-10923

Dear Mr. Fohn:

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# 351362.

The Bastrop County Animal Shelter (the "county") received a request for five categories of information relating to Pawmatch. You claim that the submitted information is excepted from disclosure under section 552.101 of the Government Code.¹ We have considered the exception you claim and reviewed the submitted representative sample of information.²

Initially, we note that you have only submitted information responsive to category five of the request. Thus, to the extent any information responsive to the remaining categories existed when the request was received, we assume it has been released. If such information has not been released, then it must be released at this time. *See* Gov't Code §§ 552.301(a), .302; *see*

¹Although you initially raised section 552.137 of the Government Code, you have not submitted arguments explaining how this exception applies to the submitted information. Therefore, we presume that you have withdrawn this exception. *See* Gov't Code §§ 552.301, .302.

²We 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 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 that those records contain substantially different types of information than that submitted to this office.

also Open Records Decision No. 664 (2000) (if governmental body concludes that no exceptions apply to requested information, it must release information as soon as possible).

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 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 assert the information you have marked in the submitted rabies vaccination certificates is confidential under section 826.0211(a). Based upon your representation and our review, we agree section 826.0211 is applicable to the marked information. No exception to confidentiality under section 826.0211 appears to apply in this instance. Accordingly, we conclude the county must withhold the marked information under section 552.101 of the Government Code in conjunction with section 826.0211 of the Health and Safety Code. As you raise no further exceptions to disclosure, the remaining requested information must be released.

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 'Matt Entsminger', with a stylized flourish at the end.

Matt Entsminger
Assistant Attorney General
Open Records Division

MRE/dls

Ref: ID# 351362

Enc. Submitted documents

c: Requestor
(w/o enclosures)