



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 5, 2010

Mr. Ronald J. Bounds
Assistant City Attorney
City of Corpus Christi
P.O. Box 9277
Corpus Christi, Texas 78469-9277

OR2010-04739

Dear Mr. Bounds:

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# 374860.

The City of Corpus Christi (the "city") received a request for pet name and breed information contained in the city's pet database.¹ You claim that 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 information.

We note the requestor has excluded from her request confidential information about pet owners. Any such information in the requested information is not responsive to this request. The city need not release non-responsive information and this ruling will not address it. We have marked a representative sample of the information that is responsive to this request.

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. This section encompasses information protected by other statutes, including section 826.0311 of the Health and Safety Code, which provides in relevant part:

(a) Information 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

¹ We note that the requestor clarified her request. See Gov't Code § 552.222(b) (governmental body may communicate with requestor for purpose of clarifying or narrowing request for information).

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.

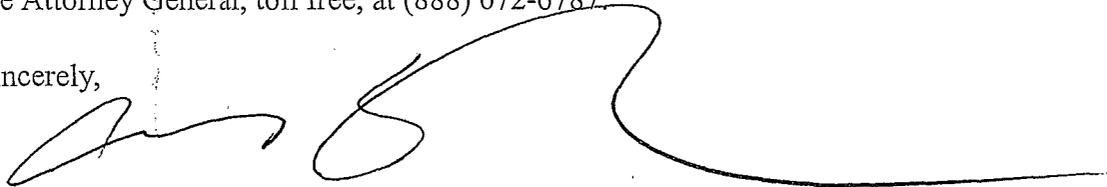
(b) The information may be disclosed only to a governmental entity for purposes related to the protection of public health and safety. A governmental entity that receives the information must maintain the confidentiality of the information, may not disclose the information under Chapter 552, Government Code, and may not use the information for a purpose that does not directly relate to the protection of public health and safety.

Health & Safety Code § 826.0311(a), (b). You state the submitted information constitutes the city's pet registry records. Based upon your representations and our review, we agree the submitted information consists of information contained in the city's pet registry. However, section 826.0311 only provides for the confidentiality of information 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. In this instance, none of the responsive information identifies an owner or consists of an address, telephone number, or other personally identifying information of an owner of a registered dog or cat. Therefore, section 826.0311(a) is not applicable to any portion of the responsive information and it may not be withheld on that basis. As you raise no further exceptions against disclosure, the responsive 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, toll free, at (888) 672-6787.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chris Schulz', with a long, sweeping underline that extends across the width of the signature area.

Chris Schulz
Assistant Attorney General
Open Records Division

CS/cc

Ref: ID# 374860

Enc. Submitted documents

cc: Requestor
(w/o enclosures)