



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 7, 2010

Ms. Marivi Gambini
Paralegal
City of Irving
825 West Irving Boulevard
Irving, Texas 75060

OR2010-09997

Dear Ms. Gambini:

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# 385683.

The City of Irving (the "city") received a request for all city records from April 2010 regarding all pets at a specified address. You claim that a portion of 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.

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 exception encompasses information made confidential by other statutes. Section 826.0311 of the Health and Safety Code, in relevant part, states the following:

(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 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. The information contained in the registry may not include the social security number or the driver's license number of the owner of the registered animal.

(b) The information may be disclosed only 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. A governmental entity or person 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 that the city contracts with PetData, Inc. ("PetData") to carry out the city's pet registration and licensing functions. You further state that one of the submitted documents consists of the record of registration created by PetData. Based upon your representations and our review, we find that the submitted license contract consists of information from the city's pet registry. We agree that section 826.0311 is applicable to the information we have marked in the license contract that identifies or tends to identify the owners of registered dogs or cats. You indicate that the exception in section 826.0311(b) does not apply in this instance. Therefore, you must withhold this identifying information, which we have marked, under section 552.101 in conjunction with section 826.0311(a) of the Health and Safety Code.¹ You have not explained, however, how the person ID number is identifying. Furthermore, the remaining submitted information consists of a case view report. You have not explained how the case view report is part of the city's actual pet registry. Therefore, you have failed to demonstrate how this information is confidential under section 826.0311(a) and the city may not withhold the remaining information in the license contract or the information in the case view report under section 552.101 on this basis.

You seek to withhold the remaining information under section 826.0211 of the Health and Safety Code, which is also encompassed by section 552.101. Section 826.0211 provides in part:

(a) 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.

Id. § 826.0211(a). We note section 826.0211 is applicable only to information contained in a rabies vaccination certificate or in a record compiled from information contained in one or more rabies vaccination certificates. Upon review, we find no portion of the remaining

¹As our ruling is dispositive, we need not address your remaining argument under section 552.101 for this information.

highlighted information in the license contract contains the address, telephone number, or other personally identifying information of an owner of a vaccinated animal. Furthermore, you have not explained how the highlighted information in the case view report is contained in a rabies vaccination certificate or was compiled from information contained in one or more rabies vaccination certificates. Therefore, no portion of the remaining information is confidential under section 826.0211 of the Health and Safety Code and it may not be withheld under section 552.101 of the Government Code. *See* Open Records Decision No. 649 at 3 (1996) (language of confidentiality provision controls scope of its protection); *see also* Open Records Decision Nos. 658 at 4 (1998), 478 at 2 (1987).

In summary, the city must withhold the information we have marked under section 552.101 of the Government Code in conjunction with section 826.0311 of the Health and Safety Code. The remaining 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,



Andrea L. Caldwell
Assistant Attorney General
Open Records Division

ALC/eeg

Ref: ID# 385683

Enc. Submitted documents

c: Requestor
(w/o enclosures)