



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 29, 2011

Mr. B. Chase Griffith
Brown & Hofmeister, L.L.P.
740 East Campbell Road, Suite 800
Richardson, Texas 75081

OR2011-04314

Dear Mr. Griffith:

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# 412589.

The Town of Flower Mound (the "town"), which you represent, received a request for the complete animal control report for two specified cases. You claim that portions of the submitted information are 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 section encompasses information protected by other statutes. Section 826.0211 of the Health and Safety Code provides in pertinent part that "[i]nformation 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." Health & Safety Code § 826.0211(a). The only exception to this confidentiality is that the information may be disclosed "to a governmental entity for purposes related to the protection of public health and safety." *Id.* § 826.0211(b). You seek to withhold a portion of the submitted information under section 826.0211. You state a portion of the submitted information consists of rabies vaccination certificates. Based upon your representation and our review, we agree that section 826.0211 is applicable to the identifying information within the rabies vaccination certificates. Accordingly, we conclude that the information we have marked is confidential under section 826.0211 of the Health and Safety Code, and must be withheld under section 552.101 of the Government Code. However, you do not provide any indication the remaining records were compiled from

information in a rabies vaccination certificate. Thus, you have failed to demonstrate the applicability of section 826.0211 to the remaining information, and it may not be withheld under section 552.101 on that basis.

We note a portion of the remaining information is subject to section 552.130 of the Government Code.¹ Section 552.130 of the Government Code excepts from disclosure "information [that] relates to . . . a motor vehicle operator's or driver's license or permit issued by an agency of this state[.]" Gov't Code § 552.130(a)(1). Accordingly, the town must withhold the copies of a Texas driver's license we have marked under section 552.130.²

In summary, the town must withhold the information we have marked under (1) section 552.101 of the Government Code in conjunction with section 826.0211 of the Health and Safety Code and (2) section 552.130 of the Government 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,



Nneka Kanu
Assistant Attorney General
Open Records Division

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¹The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body, but ordinarily will not raise other exceptions. See Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

²We note this office issued Open Records Decision No. 684 (2009), a previous determination to all governmental bodies authorizing them to withhold ten categories of information, including a copy of a Texas driver's license under section 552.130 of the Government Code, without the necessity of requesting an attorney general decision.

Ref: ID# 412589

Enc. Submitted documents

cc: Requestor
(w/o enclosures)