



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

August 16, 2011

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

OR2011-11836

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# 426897.

The City of Irving (the "city") received a request for the current registration information for every pet at a specified residence. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.137 of the Government Code.<sup>1</sup> We have considered the exceptions 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:

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<sup>1</sup>You acknowledge that you did not timely raise section 552.137 of the Government Code. However, this provision constitutes a compelling reason to withhold information. Therefore, we will consider your argument under this exception. *See* Gov't Code § 552.301, .302.

(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 the city contracts with PetData, Inc. to carry out the city's pet registration and licensing functions. You further state the submitted document is referred to as a license contract and consists of the record of registration created by PetData, which a city employee obtained directly through the PetData software. Based upon your representations and our review, we find that the submitted information consists of information contained in the city's pet registration. We agree that section 826.0311 is applicable to the information you have highlighted in yellow 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 you have highlighted in yellow, under section 552.101 in conjunction with section 826.0311(a) of the Health and Safety Code.<sup>2</sup> 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](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

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<sup>2</sup>As our ruling is dispositive, we need not address your remaining arguments against disclosure.

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 cursive script that reads "Kirsten Brew".

Kirsten Brew  
Assistant Attorney General  
Open Records Division

KB/em

Ref: ID# 426897

Enc. Submitted documents

c: Requestor  
(w/o enclosures)