



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 27, 2011

Ms. Monica Hernandez
Assistant City Attorney
City of San Antonio
P.O. Box 839966
San Antonio, Texas 78283

OR2011-14010

Dear Ms. Hernandez:

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# 431228 (COSA File No. W002182).

The City of San Antonio (the "city") received a request for the quarantine evaluation records for every animal quarantined at the city's Animal Care Services ("ACS") facility during a specified time period. You claim 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 representative sample of information.¹

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision" and encompasses information that other statutes make confidential. You claim that the information at issue is confidential under section 801.353 of the Occupations Code. This section provides in part:

- (a) A veterinarian may not violate the confidential relationship between the veterinarian and the veterinarian's client.

¹We assume the "representative sample" of information 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 those records contain substantially different types of information than those submitted to this office.

(b) A veterinarian may not be required to release information concerning the veterinarian's care of an animal, except on the veterinarian's receipt of:

- (1) a written authorization or other form of waiver executed by the client; or
- (2) an appropriate court order or subpoena.

Occ. Code § 801.353(a), (b). Section 801.353 limits a veterinarian's release of information concerning the veterinarian's care of an animal to certain circumstances. *See id.* You state that, in accordance with state law and city ordinance, owners of animals within the city which bite a person are required to have the animal placed for rabies quarantine at the city's ACS facility. You state animals quarantined at the ACS facility during the quarantine period are observed daily by city veterinary staff until the end of the quarantine period. You further inform us the information at issue consists of veterinary records created by city veterinary staff during the course of observations for rabies in quarantine cases. You state none of the information at issue has been released to the public. You do not indicate that the city's veterinary staff has been provided with a written authorization or waiver signed by the veterinarian's client or an appropriate court order or subpoena to release the information at issue. *See id.* § 801.351(a)(1) (defining "client" as "owner or other caretaker of the animal"). Based on your arguments and our review, it appears that the information at issue consists of veterinary records subject to the chapter 801 of the Occupations Code. Thus, the information at issue may be released only in accordance with section 801.353 of the Occupations Code.

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,



Sean Nottingham
Assistant Attorney General
Open Records Division

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Enc. Submitted documents

c: Requestor
(w/o enclosures)