



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 13, 2012

Ms. Monica Hernandez
Assistant City Attorney
City of San Antonio
P.O. Box 839966
San Antonio, Texas 78283-3966

OR2012-18178

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# 471435 (COSA File Nos. W009861 and W010234).

The City of San Antonio (the "city") received two requests from the same requestor for two specified animal control cases. The city has released some of the requested information to the requestor. 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.

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, such as section 801.353 of the Occupations Code. This section provides in part the following:

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

(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 animals to certain circumstances. *See id.* You indicate the submitted information consists of veterinary records created by city veterinary staff for animals that the Animal Care Services Department (the "department") took from the community. You state the department "is both owner and caretaker of the animals it takes from the community until it finds an adopter for each animal." You inform us some of the submitted records pertain to animals that are owned by the city, and the city does not consent to the release of these records. *See id.* § 801.351(a)(1) (defining "client" as "owner or other caretaker of the animal"). Finally, you state the requestor has not produced an appropriate court order or subpoena to release the information at issue. Based on your arguments and our review, we conclude the submitted information consists of veterinary records that are subject to the chapter 801 of the Occupations Code. Accordingly, the city may only release the submitted information under section 801.353 of the Occupations Code in accordance with that section.

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,



Vanessa Burgess
Assistant Attorney General
Open Records Division

VB/dls

Ref: ID# 471435

Enc. Submitted documents

c: Requestor
(w/o enclosures)