ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 3, 2013

Ms. Molly Shortall
Assistant City Attorney
City of Arlington
Box 90231
Arlington, Texas 76004-3231

OR2013-05310

Dear Ms. Shortall:

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# 483405.

The City of Arlington (the "city") received a request for any dog registration pertaining to a specified address and any of three specified persons, from February 1, 2012, through January 17, 2013. 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 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. Section 552.101 encompasses section 826.0311 of the Health and Safety Code, which states in relevant part:

> (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

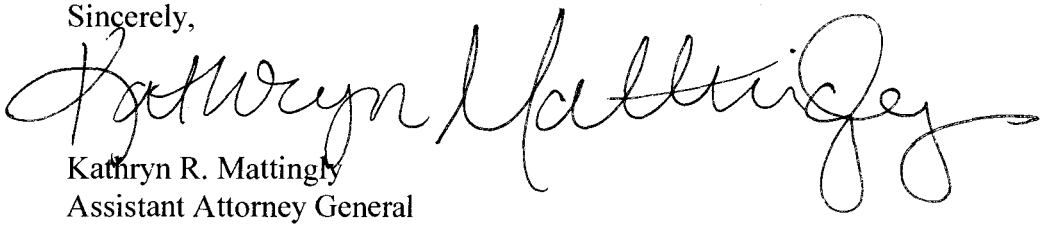
> control services or animal registration services for the governmental entity for purposes related to the protection of public health and safety. A governmental entity or person that receives the information must maintain the confidentiality of the information, may not disclose the information under 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). Section 826.0311 applies only to the actual pet registry; it does not apply to the contents of other records, even though those documents may contain the same information as the pet registry. *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). You inform us the submitted information is from the city's pet registry. It does not appear the exceptions found in section 826.0311(b) of the Health and Safety Code apply in this instance. Based on your representations and our review, we agree the city must withhold the identifying information we have marked under section 552.101 of the Government Code in conjunction with section 826.0311(a) of the Health and Safety Code. However, we find none of the remaining information consists of the address, telephone number, or other personally identifying information of a pet owner. Accordingly, none of the remaining information may be withheld under section 552.101 in conjunction with section 826.0311 of the Health and Safety Code. As no further exceptions to disclosure were raised, 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,



Kathryn R. Mattingly
Assistant Attorney General
Open Records Division

KRM/bhf

Ref: ID# 483405

Enc. Submitted documents

c: Requestor
(w/o enclosures)