



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

April 12, 2013

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

OR2013-05928

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# 484576 (COSA File No. W012894).

The City of San Antonio (the "city") received a request for information related to (1) the kennel capacity at the city's Animal Care Services Department (the "department") and (2) ten specified dogs. You state the city has released some information to the requestor. 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.<sup>1</sup>

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 relevant part the following:

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

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<sup>1</sup>We 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 indicate the submitted information consists of veterinary records created by city veterinary staff for animals that the department took from the community. You state the department "is both owner and caretaker of the animals it takes in from the community." You inform us some of the animals whose records are at issue have been adopted by members of the public, and the city has not obtained permission from those owners to release their animals' records. *See id.* § 801.351(a)(1) (defining "client" as "owner or other caretaker of the animal"). You also represent the remaining records at issue pertain to animals that were owned by the city, and the city does not consent to the release of these records. *See id.* 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 find the submitted information consists of veterinary records that are subject to 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](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,



Cindy Nettles  
Assistant Attorney General  
Open Records Division

CN/dls

Ref: ID# 484576

Enc. Submitted documents

c: Requestor  
(w/o enclosures)