



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

June 12, 2013

Ms. Danielle R. Folsom  
Assistant City Attorney  
Legal Department  
City of Houston  
P.O. Box 368  
Houston, Texas 77001-0368

OR2013-09898

Dear Ms. Folsom:

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# 490223 (G.C. No. 20386).

The City of Houston (the "city") received a request for the name of the owner of a dog that bit a child on a specified date. You claim some of 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.

Initially, we note the requestor is only seeking the name of the dog owner. Thus, the portions of the submitted information that do not consist of the dog owner's name are not responsive to the present request. This ruling does not address the public availability of non-responsive information, and the city is not required to release non-responsive information in response to this request.

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, such as section 826.0311 of the Health and Safety Code, which protects information in a pet registry. This section provides, 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 state the responsive information consists of personally identifying information of the owner of a registered animal. You state the information at issue is kept by the city's Bureau of Animal Regulation and Care ("BARC"). You explain BARC maintains the registry through a computer database using the Chameleon software, and you state the information at issue was pulled from the Chameleon database. However, you do not inform us whether the Chameleon software is also used to maintain other types of information in addition to the city's pet registry. Further, you do not state, and we are not able to determine, whether the information at issue was obtained directly from the city's pet registry. Accordingly, we must rule conditionally. It does not appear the exceptions found in section 826.0311(b) of the Health and Safety Code apply in this instance. Thus, to the extent the responsive information was obtained directly from the city's pet registry, the city must withhold the responsive information under section 552.101 of the Government Code in conjunction with section 826.0311(a) of the Health and Safety Code. However, to the extent the information at issue was not obtained directly from the city's pet registry, it is not confidential under section 826.0311(a) of the Health and Safety Code and the city may not withhold it under section 552.101 of the Government Code on that basis.

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,



Paige Lay  
Assistant Attorney General  
Open Records Division

PL/bhf

Ref: ID# 490223

Enc. Submitted documents

cc: Requestor  
(w/o enclosures)