



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 17, 2013

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

OR2013-10183

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# 491382 (COSA File Nos. W014539 & W014541).

The City of San Antonio (the "city") received two requests from the same requestor for information pertaining to two specified dangerous dog determination filings. You state the city will release some of the requested information. 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 information made confidential by statute, such as section 801.353 of the Occupations Code, which provides, in part, the following:

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

...

(f) A veterinarian does not violate this section by providing the name or address of a client, or the rabies vaccination status of a specific client's specific animal, to a public health authority, veterinarian, physician, or other licensed health care professional who requests the identity of the client to obtain information for:

- (1) the verification of a rabies vaccination;
- (2) other treatment involving a life-threatening situation; or
- (3) a public health purpose.

(g) A public health authority that receives information under [s]ubsection (f) shall 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.

Occ. Code § 801.353(a), (f)-(g). Subsection 801.353(g) prohibits the public disclosure of information obtained by a public health authority from a veterinarian pursuant to subsection 801.353(f) for the reasons enumerated in subsection 801.353(f). Subsection 801.353(f) specifically provides the name and address of the client and the rabies vaccination status of the client's animal may be released to the public health authority for the enumerated purposes.

You assert some of the submitted information, which you have marked, is confidential under section 801.353 of the Occupations Code. You explain the city's Animal Care Services Director is the local rabies control authority, and you state the information at issue consists of veterinary records that were provided to the city's Animal Care Services Department (the "department") by the animal owner's veterinarians during the course of an Aggressive Dog investigation. You state the veterinarian provided the information to the department for a public health purpose. *See id.* § 801.353(f). Upon review, we find the information at issue includes the name and address of a client and the rabies vaccination status of the client's animals that was provided to the department by veterinarians pursuant to subsection 801.353(f). This information, which we have marked, is confidential pursuant to subsection 801.353(g) of the Occupations Code and must be withheld under section 552.101 of the Government Code. However, you do not explain how any portion of the remaining information at issue, which consists of veterinary examination and treatment invoices, consists of the name or address of a client or the rabies vaccination status provided to the department pursuant to subsection 801.353(f). Thus, we conclude you have failed to demonstrate the applicability of subsection 801.353(g) to the remaining information at issue. Accordingly, the city may not withhold any of the remaining information at issue under section 552.101 of the Government Code in conjunction with subsection 801.353(g) of the Occupations Code.

Section 552.101 of the Government Code also encompasses section 826.0211 of the Health and Safety Code, which provides in part:

- (a) Information contained in a rabies vaccination certificate or in any record compiled from the information contained in one or more certificates that identifies or tends to identify an owner or an address, telephone number, or

other personally identifying information of an owner of a vaccinated animal is confidential and not subject to disclosure under Chapter 552, Government Code. The information contained in the certificate or record may not include the social security number or the driver's license number of the owner of the vaccinated animal.

Health & Safety Code § 826.0211(a). We note section 826.0211 is applicable only to information contained in a rabies vaccination certificate or in a record compiled from information contained in one or more rabies vaccination certificates. A portion of the remaining information, which you have marked, consists of a rabies certificate. Therefore, the owner's identifying information within the rabies certificate, which we have marked, must be withheld under section 552.101 of the Government Code in conjunction with section 826.0211 of the Health and Safety Code. However, upon review, we find the remaining information at issue is not made confidential by section 826.0211 and may not be withheld under section 552.101 of the Government Code on that basis.

In summary, the city must withhold the information we marked under section 552.101 of the Government Code in conjunction with section 801.353 of the Occupations Code and the information we marked under section 552.101 of the Government Code in conjunction with section 826.0211 of the Health and Safety Code. The city must release the remaining information.

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,

A handwritten signature in black ink, appearing to read "Claire Morris Sloan". The signature is fluid and cursive, with a large, stylized initial "C" and "M".

Claire V. Morris Sloan
Assistant Attorney General
Open Records Division

CVMS/som

Ref: ID# 491382

Enc. Submitted documents

c: Requestor
(w/o enclosures)