



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

October 16, 2013

Ms. Rachel L. Lindsay  
Counsel for the Town of Flower Mound  
Brown & Hofmeister, L.L.P  
740 East Campbell Road, Suite 800  
Richardson, Texas 75081

OR2013-18037

Dear Ms. Lindsay:

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# 502539 (506-13).

The Town of Flower Mound (the "town"), which you represent, received a request for all records Animal Services has for named individuals. You state you have released most of the responsive information to the requestor. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from public 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 protected by other statutes, including 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). 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. You state Exhibit B contains rabies vaccination certificates and related documents. Upon review, we agree the submitted information contains rabies vaccination certificates. Therefore, the town must withhold the information contained in the rabies vaccination certificates that identifies or tends to identify the owners of vaccinated animals, which we have marked, under section 552.101 of the Government Code in conjunction with section 826.0211(a) of the Health and Safety Code. The remaining information at issue consists of documents that are not rabies vaccination certificates. You have not explained how the remaining information at issue is contained in a rabies vaccination certificate or was compiled from information contained in one or more rabies vaccination certificates. Therefore, no portion of the remaining information at issue is confidential under section 826.0211 of the Health and Safety Code and it may not be withheld under section 552.101 of the Government Code on that basis.

Section 552.130 of the Government Code provides information relating to a motor vehicle operator's license, driver's license, motor vehicle title or registration, or personal identification document issued by an agency of this state or another state or country is excepted from public release. *See* Gov't Code § 552.130. Accordingly, the town must withhold the copies of Texas drivers' licenses we have marked under section 552.130.<sup>1</sup>

In summary, the town must withhold the information we have marked contained in the rabies vaccination certificates that identifies or tends to identify the owners of vaccinated animals under section 552.101 of the Government Code in conjunction with section 826.0211(a) of the Health and Safety Code. The town must also withhold the copies of Texas drivers' licenses we have marked under section 552.130 of the Government Code. The town 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.

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<sup>1</sup> We note section 552.130(c) of the Government Code allows a governmental body to redact the information described in subsection 552.130(a) without the necessity of seeking a decision from the attorney general. *See* Act of May 6, 2013, 83rd Leg., R.S., S.B. 458, § 1 (to be codified as an amendment to Gov't Code § 552.130(c)). If a governmental body redacts such information, it must notify the requestor in accordance with section 552.130(e). *See* Gov't Code § 552.130(d), (e).

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.texasattorneygeneral.gov/open/orl\\_ruling\\_info.shtml](http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml), 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Alia K. Plasencia-Bishop  
Assistant Attorney General  
Open Records Division

AKPB/sdk

Ref: ID# 502539

Enc. Submitted documents

c: Requestor  
(w/o enclosures)