



October 22, 1999

Ms. Lisa Aguilar
Assistant City Attorney
City of Corpus Christi
P.O. Box 9277
Corpus Christi, Texas 78469-9277

OR99-2983

Dear Ms. Aguilar:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 128403.

The City of Corpus Christi (the "city") received a request for "the names of people who own a cocker spaniel and another dog that are both licensed with the City of Corpus Christi." You ask whether the requested information is confidential under House Bill 3262 and section 18E(a) of article 8890 of the Texas Civil Statutes.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses information protected by other statutes. You inform us that the city has adopted a city ordinance requiring the registration of dogs and cats within the jurisdiction of the city. *See* Health & Safety Code § 826.031. Section 6-11(i) of the City Code provides that "[t]he animal control supervisor shall cause to be maintained a current record disclosing serial numbers of dog and cat licenses tags issued, and the names and addresses of persons to whom the same are issued." The Seventy-sixth Legislature enacted House Bill 3262, which provides that "[i]nformation 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."¹ Act of May 26, 1999, 76th Leg., R.S., ch. 1069, § 2, 1999 Tex. Sess. Law Serv. 3921

¹House Bill 3262 took effect September 1, 1999. *See Houston Indep. Sch. Dist. v. Houston Chronicle Publ'g Co.*, 798 S.W.2d 580 (Tex. App.—Houston [1st Dist.] 1990, writ denied).

(Vernon) (to be codified as Health & Safety Code § 826.0311(a)). The registry information may be disclosed only to a governmental body for purposes related to the protection of public health and safety. *Id.* (to be codified as Health & Safety Code § 826.0311(b)). Accordingly, you must withhold the requested information as it is confidential under section 826.0311 of the Health and Safety Code in conjunction with section 552.101 of the Government Code.

As section 826.0311 of the Health and Safety Code is dispositive, we do not address your other arguments against public disclosure. We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/ljp

Ref.: ID# 128403

cc: Ms. Berry S. Burkhart, CPA
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Corpus Christi, Texas 78401