



December 17, 1999

Mr. Ric Gonzalez
Assistant City Attorney
Law Offices of Ronald J. Neiman, P.C.
P.O. Box 777
Lewisville, Texas 75067

OR99-3659

Dear Mr. Gonzalez:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 131907.

The City of Lewisville (the "city"), which you represent, received a request for a copy of a dog bite report. You have released most of the requested information. However, you assert that the information identifying the owner of the dog is confidential under section 552.101 of the Government Code in conjunction with sections 826.0211 and 826.0311 of the Health and Safety Code.

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. Section 826.0211 provides that

[i]nformation that is contained in a *rabies vaccination certificate* that identifies or tends to identify the owner or an address, telephone number, or other personally identifying information of the owner of the vaccinated animal is confidential and not subject to disclosure under Chapter 552, Government Code.

Health & Safety Code § 826.0211(a) (emphasis added). Section 826.0311 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.

Health & Safety Code § 826.0311(a) (emphasis added). Here, the information at issue is contained in an "Animal Bite/Rabies Suspect Report." Because the information is not contained in a rabies vaccination certificate or a municipal or county registry of dogs, sections 826.0211 and 826.0311 do not apply. We note that subchapter E of the Health and Safety Code, which governs reports of animal bites suspected of transmitting rabies, require the report to include the name and address of the animal's owner. Health & Safety Code § 826.041. However, subchapter E does not contain a confidentiality provision regarding the identifying information of the animal's owner. Because the owner's identifying information is not confidential under either section 826.0211 or 826.0311, you must release the information.

Sincerely,



Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/cwt

Ref.: ID# 131907

Encl. Submitted documents

cc: Ms. Kimberly A. Vanderbeek
1531 S. Highway 121, #2218
Lewisville, Texas 75067
(w/o enclosures)