



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 16, 2009

Mr. B. Chase Griffith
Brown & Hofmeister, L.L.P.
740 East Campbell Road, Suite 800
Richardson, Texas 75081

OR2009-05055

Dear Mr. Griffith:

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# 340125.

The Town of Flower Mound (the "town"), which you represent, received a request for information pertaining to animals registered by a named individual. You claim that portions of the submitted information are 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. This section encompasses information protected by other statutes. Section 826.0211 of the Health and Safety Code provides in pertinent part that "[i]nformation 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." Health & Safety Code § 826.0211(a). The only exception to this confidentiality is that the information may be disclosed "to a governmental entity for purposes related to the protection of public health and safety." *Id.* § 826.0211(b). You seek to withhold a portion of the submitted information under section 826.0211. You state a portion of the submitted information consists of rabies vaccination certificates. Based upon

your representation and our review, we agree that section 826.0211 is applicable to the identifying information within the rabies vaccination certificates. Accordingly, we conclude that the information we have marked is confidential under section 826.0211 of the Health and Safety Code, and must be withheld under section 552.101 of the Government Code.

Section 552.101 of the Government Code also encompasses section 826.0311 of the Health and Safety Code, which 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.

(b) The information may be disclosed only to a governmental entity for purposes related to the protection of public health and safety. A governmental entity 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). You indicate a portion of the submitted information consists of the town's annual registration form, which is contained in the town's cat and dog registry. Based upon your representation and our review, we agree that section 826.0311 is applicable to a portion of the information in the submitted registration form. Accordingly, we conclude that the information we have marked is confidential under section 826.0311 of the Health and Safety Code, and thus must be withheld under section 552.101 of the Government Code.

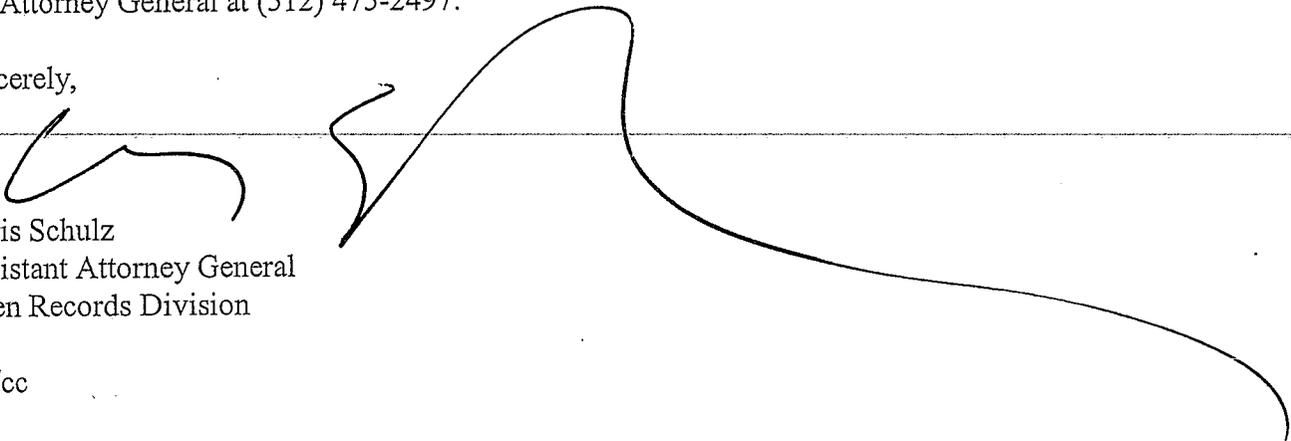
In summary, the town must withhold the information we have marked under section 552.101 of the Government Code in conjunction with sections 826.0211 and 826.0311 of the Health and Safety Code. The remaining information must be released.

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 at (512) 475-2497.

Sincerely,



Chris Schulz
Assistant Attorney General
Open Records Division

CS/cc

Ref: ID# 340125

Enc. Submitted documents

cc: Requestor
(w/o enclosures)