



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

October 29, 2009

Ms. Rebecca Brewer  
Abernathy Roeder Boyd & Joplin, P.C.  
Attorney for City of Wylie  
P.O. Box 1210  
McKinney, Texas 75070-1210

OR2009-15399

Dear Ms. Brewer:

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# 359689.

The Wylie Police Department (the "department"), which you represent, received a request for a specified dog bite report and all information pertaining to the dog at a specified address. 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 information you have submitted.

We note the submitted information contains information that is subject to section 552.130 of the Government Code.<sup>1</sup> Section 552.130 provides information relating to a motor vehicle operator's license, driver's license, motor vehicle title, or registration issued by a Texas agency is excepted from public release. Gov't Code § 552.130(a)(1), (2). Accordingly, the

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<sup>1</sup>The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body, but ordinarily will not raise other exceptions. Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

department must withhold the Texas driver's license information we have marked under section 552.130 of the Government Code.<sup>2</sup>

Next, you claim section 552.101 of the Government Code for the remaining information. Section 552.101 excepts from public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." *Id.* § 552.101. This exception encompasses information made confidential by other statutes. Section 826.0311 of the Health and Safety Code, in relevant part, states the following:

(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. The information contained in the registry may not include the social security number or the driver's license number of the owner of the registered animal.

(b) The information may be disclosed only to a governmental entity or a person, that under a contract with a governmental entity, provides animal control services or animal registration services for the governmental entity for purposes related to the protection of public health and safety. A governmental entity or person 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). Section 826.0311 only applies to the actual pet registry; it is not applicable to the contents of other records, even though those documents may contain the same information as the pet registry. *See* Open Records Decision No. 658 at 4 (1998) (statutory confidentiality provision must be express, and confidentiality requirement will not be implied from statutory structure). You state the documents in Exhibit B, including the dog bite reports, "are documents which are located in the pet registry and are also known as the pet registry."<sup>3</sup> The requestor is not a governmental entity or person who is requesting the information for public health and safety purposes. Thus, the department must withhold the owner's identifying information we have marked within Exhibit B under section 552.101 of the Government Code in conjunction with

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<sup>2</sup>As our ruling for this information is dispositive, we need not address your remaining arguments against its disclosure.

<sup>3</sup>We note section 826.0311 prohibits the inclusion of a registered pet owner's driver's license number within the pet registry. *See* Health & Safety Code § 826.0311(a).

section 826.0311(a) of the Health and Safety Code. You have not demonstrated, however, the remaining information consists of the address, telephone number, or other personally identifying information of the pet owner at issue. Thus, no portion of the remaining information may be withheld under section 552.101 in conjunction with section 826.0311 of the Health and Safety Code.

You also seek to withhold the remaining information under section 826.0211 of the Health and Safety Code, which is also encompassed by section 552.101. Section 826.0211 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. Upon review, we find no portion of the remaining information contains the address, telephone number, or other personally identifying information of an owner of a vaccinated animal. Therefore, no portion of the remaining information 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. *See* Open Records Decision No. 649 at 3 (1996) (language of confidentiality provision controls scope of its protection); *see also* Open Records Decision Nos. 658 at 4 (1998), 478 at 2 (1987).

In summary, the department must withhold the Texas driver's license information we have marked under section 552.130 of the Government Code. The department must withhold the information we have marked in the remaining information under section 552.101 in conjunction with section 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](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,



Melanie J. Villars  
Assistant Attorney General  
Open Records Division

MJV/rl

Ref: ID# 359689

Enc. Submitted documents

c: Requestor  
(w/o enclosures)