



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 23, 2011

Ms. Mariví Gambini
City Attorney's Office
City of Irving
825 West Irving Boulevard
Irving, Texas 75060

OR2011-07477A

Dear Ms. Gambini:

This office issued Open Records Letter No. 2011-07477 (2011) on May 26, 2011. We have examined this ruling and determined that an error was made in its issuance. Where this office determines that an error was made in the decision process under sections 552.301 and 552.306 of the Government Code, and that error resulted in an incorrect decision, we will correct the previously issued ruling. Consequently, this decision serves as the corrected ruling and is a substitute for the decision issued on May 26, 2011. *See generally* Gov't Code § 552.011 (providing that Office of Attorney General may issue decision to maintain uniformity in application, operation, and interpretation of Public Information Act ("Act")). This ruling was assigned ID# 426569

The City of Irving (the "city") received a request for records on all dogs registered with the city at a specified address. You claim some of 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 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 exception encompasses information made confidential by other statutes, such as section 826.0311 of the Health and Safety Code, which protects information in a pet registry. This section 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. 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 does not apply 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 that the city contracts with PetData, Inc. ("PetData") to carry out the city's pet registration and licensing functions. You further state the submitted document is referred to as a License Contract and consists of the record of registration created by PetData, which a city employee obtained directly through the PetData software. Based upon your representations and our review, we find that the submitted document consists of information contained in the city's pet registry. Further, the information we have marked in the License Contract identifies or tends to identify the owner of a registered dog, and is therefore subject to section 826.0311. You indicate the exception in section 826.0311(b) does not apply in this instance. Therefore, the city must withhold the information we have marked in the submitted document under section 552.101 in conjunction with section 826.0311(a) of the Health and Safety Code.¹ The remaining information must be released.

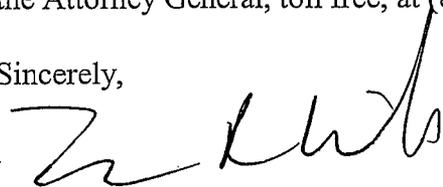
This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

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.

¹As our ruling is dispositive, we need not address your remaining argument under section 552.101 for this information.

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,

A handwritten signature in black ink, appearing to read 'TW', written over a horizontal line.

Tamara Wilcox
Assistant Attorney General
Open Records Division

TW/dls

Ref: ID# 426569

Enc. Submitted documents

c: Requestor
(w/o enclosures)