



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 16, 2011

Ms. Susan Fillion
Assistant County Attorney
Harris County
1019 Congress, 15th Floor
Houston, Texas 77002

OR2011-13443

Dear Ms. Fillion:

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# 430090 (CA File No. 11PIA0243).

The Harris County Veterinary Public Health Division (the "county") received a request for "the dog licensing records of individuals who have registered their dogs within Harris County, Texas in area codes 77338, 77346, 77347, and 77393." You claim that 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. 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.

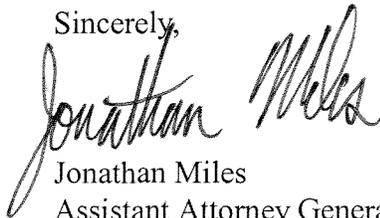
(b) The information may be disclosed only to a governmental entity or a person that, under a contract with a governmental entity, provides animal control services or animal registration services for the governmental entity for purposes related to the protection of public health and safety. A governmental 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). You state, and provide an affidavit reflecting, “the submitted information consists of a computer generated report containing the names and contact information of pet owners who have registered their animal with the Veterinary Public Health Division.” You further state the owner names and contact information was obtained through the county’s dog registry. Based upon your representations and our review, we find that the submitted information consists of information contained in the county’s dog registry. We agree that section 826.0311 is applicable to the submitted information. You indicate that the exception in section 826.0311(b) does not apply in this instance. Therefore, you must withhold the submitted information under section 552.101 in conjunction with section 826.0311(a) of the Health and Safety Code.¹

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, toll free, at (888) 672-6787.

Sincerely,



Jonathan Miles
Assistant Attorney General
Open Records Division

JM/em

¹As our ruling is dispositive, we need not address your remaining arguments against disclosure.

Ref: ID# 430090

Enc. Submitted documents

c: Requestor
(w/o enclosures)