



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 16, 2013

Ms. Monica Hernandez
Assistant City Attorney
City of San Antonio
P.O. Box 839966
San Antonio, Texas 78283

OR2013-06130

Dear Ms. Hernandez:

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# 484904 (COSA File No. W013211).

The City of San Antonio (the "city") received a request for all animal control records from a named individual's file for a specified address during a specified period of time. You state you will release some of the responsive information to the requestor. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.103 of the Government Code. We have considered the exceptions you claim and reviewed the submitted representative sample of information.¹

Initially, we note some of the submitted information, which we have marked, is not responsive to the request because it does not relate to the named individual or the specified address. This ruling does not address the public availability of the information that is not responsive to the request, and the city is not required to release this information in response to the request. As such, we need not address the city's argument under section 552.103 of the Government Code.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision" and

¹We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent those records contain substantially different types of information than those submitted to this office.

encompasses information made confidential 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 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.” *Id.* § 826.0211(b).

You assert section 826.0211 applies to portions of the rabies vaccination certificate at issue, and inform us the requestor does not contract with the city to provide animal control services or animal registration services. Upon review, we agree section 826.0211 is applicable to some of this information, which we have marked. Accordingly, 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. However, none of the remaining information identifies or tends to identify an animal’s owner. Therefore, none of the remaining information is confidential under section 826.0211 and it may not be withheld under section 552.101 of the Government Code on this basis. As you raise no further exceptions to disclosure, the remaining responsive 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, toll free at (888) 672-6787.

Sincerely,

A handwritten signature in black ink, appearing to read "Michelle R. Garza", followed by a horizontal line extending to the right.

Michelle R. Garza
Assistant Attorney General
Open Records Division

MRG/som

Ref: ID# 484904

Enc. Submitted documents

c: Requestor
(w/o enclosures)